

STATE OF RHODE ISLAND
OFFICE OF THE ATTORNEY GENERAL

Peter F. Kilmartin
ATTORNEY GENERAL



2016 Annual Report

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Greetings;

The past year was pivotal for our state and our great nation. The country was deeply divided during the presidential election, a chasm that has, in many instances, only deepened.

We continued to struggle with the opioid abuse, addiction and overdose crisis. Political corruption continued to seep through the State House halls, adding to the growing distrust of elected leaders.

Yes, the state and the nation had challenges. Despite those challenges, I am the proud of the work the Office of Attorney General did to move Rhode Island forward, making it a safer, more secure place to live, raise a family, and make a living.

As Attorney General, it remains my first and top priority to uphold the laws of this state and protect each and every citizen, no matter race, religion, or economic background. To that end, the Office of Attorney General accomplished a great deal last year in meeting its obligations to the citizens of Rhode Island.

We continued to aggressively prosecute violent offenders in our communities, stepped up efforts to root out fraud and abuse in our social service safety net programs, and took steps to address the heroin and opioid crisis in our state.

In partnership with several law enforcement agencies, we targeted traffickers who sell heroin and fentanyl in our communities, while advocating for laws that help those struggling with substance abuse.

We continued to work on behalf of consumers by going after companies who used deceptive practices to pad their bottom line. We aggressively investigated and successfully prosecuted individuals who tried to steal unemployment and Social Security Disability benefits.

Our Office continued to serve as a steward of our environment and as a strong proponent of national guidelines for greenhouse gas emission reductions, which are necessary to maximize both emissions reductions and incentives for development of cleaner energy sources.

Our accomplishments would not be possible without the dedicated staff that works with great pride at the Office of Attorney General. It is the more than 230 men and women – prosecutors, victim advocates, support staff, and investigators – who make the Office of Attorney General a government agency that the public can be proud of.

Moving forward, it remains my priority to provide each citizen of Rhode Island with the opportunity to live and work in a safe and secure community, to serve with honor and integrity, and to uphold the laws of this great state without fear, favor, or ill will.

Sincerely,

A handwritten signature in dark ink, reading "Peter F. Kilmartin". The signature is written in a cursive, flowing style.

Peter F. Kilmartin





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2016 YEAR IN REVIEW

Rooting out Waste and Fraud in our Social Service Programs

In 2015, Attorney General Kilmartin entered into a memorandum of understanding with the federal Social Security Administration to identify and prevent fraud in Social Security Disability programs and related federal and state programs. Under the agreement, the Office of Attorney General provides two full time investigators, whose salaries are 100 percent federally funded, to the Providence Cooperative Disability Unit (CDI Unit).

The objectives of the CDI Unit are to provide the Disability Determination Services, Social Security Administration, and Office of Disability Adjudication and Review with facts and investigative evidence for use in making timely and accurate disability eligibility determinations, to seek criminal and/or civil prosecution of applicants and beneficiaries and to refer cases for civil monetary penalties and administrative sanctions when appropriate, and to identify, investigate, and seek prosecution of beneficiaries, doctors, lawyers, interpreters, and other third parties who facilitate and promote disability fraud.



Members of the CDI Unit were deputized as United States Marshals, giving them greater powers to investigate Social Security Disability fraud.

“Our CDI Unit is making a significant difference in stopping fraud and abuse in the Social Security system before it can occur, saving taxpayer dollars, and improving the integrity of the system to help ensure the long-term viability of the program for those who truly need it,” said Attorney General Kilmartin. “Our partnership with the Social Security Administration is an excellent example of agencies working to provide more efficient and cost-effective benefits to the taxpayers.”

In its first full year, the Providence CDI Unit received 123 fraud referrals, opened 72 cases, and closed 48 cases. Through aggressive investigations, the

Providence CDI Unit saved \$1,837,796 in Social Security Disability costs and an additional \$2,280,141 million in non-Social Security Disability costs for federal and state agencies that base funding decisions on Social Security Disability claims including Medicare and Medicaid.

In addition, the Providence CDI Unit investigations led to the imposition of \$122,755 in civil monetary penalties for individuals providing false statements when applying for disability benefits.

Cracking Down on Unemployment Benefit Fraud

In August 2013, the Office of Attorney General was assigned a prosecutor devoted exclusively to prosecuting fraud cases referred by the Rhode Island Department of Labor and Training (RI-DLT) involving unemployment insurance benefits fraud, workers’ compensation fraud, prevailing wage violations, and labor standards violations. The prosecutor in this position is solely responsible for screening, charging, prosecuting, tracking, and reporting case results to RI-DLT and the Office of Attorney General.

During 2016, the Office of Attorney General successfully prosecuted 36 individuals who committed unemployment benefit fraud and secured \$465,000 in court-ordered restitution.

Fighting Public Corruption with the Right Tools

Attorney General Kilmartin once again put forth a package of public corruption legislation that tackled “pay to play” and provided greater authority to prosecute those who commit crimes against the public trust.

While the legislation failed to pass the General Assembly during the 2016 session, Attorney General Kilmartin resubmitted the legislation in 2017 for consideration.

“We cannot continue down a path that creates cynicism about our elected officials. We must take action to crack down on acts that contribute to public distrust of our government and put an end to the corruption – real and perceived - and I will continue to advocate for strong anti-corruption laws in our state,” said Attorney General Kilmartin.

Although the legislation may not have gained traction in the General Assembly last year, Attorney General Kilmartin built upon his cooperative working relationship with the United States Attorney’s Office to jointly prosecute cases with cross-designation of several senior prosecutors. This enhances the prosecution of multi-jurisdictional crime including narcotics, firearms, and human trafficking, as well as public corruption and child pornography.

Cross-designation permits prosecutors to cross over and prosecute cases either in a state or federal court. Targeted cases are jointly reviewed to determine appropriate charges and in which court the greatest penalties are likely to be realized.

Keeping Government Open and Transparent to Citizens

Rhode Island’s Open Meetings Act (OMA) and Access to Public Records Act (APRA) are critical to ensuring that state government operations remain open and accountable to the public. It has long been Attorney

DAN DOYLE FOUND GUILTY

After a three-month trial, a Superior Court jury found Daniel Doyle guilty on all 18 counts charged in the Institute for International Sport embezzlement case. Doyle was found guilty of seven counts of embezzlement, one count of obtaining money under false pretenses, five counts of forgery, and five counts of filing a false document.

During the trial, the State proved that Doyle embezzled approximately \$1.14 million from the Institute for International Sport, a non-profit agency he founded in 1986 with the mission to use sports and the arts as mediums to forge relationships on a global scale and to address societal issues. Among the many programs of the Institute, the most identifiable was the World Scholar Athlete Games held at the University of Rhode Island.

The State proved that Doyle embezzled approximately \$750,000 in unauthorized salary payments and loan payments from 2005 through 2011, embezzled nearly \$150,000 by paying the monthly balance on his personal American Express card from the Institute’s accounts for unauthorized purchases, embezzled approximately \$100,000 when he made tuition payments from the Institute accounts to Kingswood Oxford School and Oberlin College for his daughter, as well as a \$22,000 payment from the Institute accounts to fulfill a \$50,000 personal pledge Doyle made to Bates College.

In addition, the State proved that Doyle embezzled approximately \$120,000 of Institute funds when he paid for items from the Institute account associated with his two for-profit businesses – the Hall of Fame Press and summer camps.

In addition, the State proved that Doyle forged, or directed the forgery of, the names of individuals on the Institute’s Non-Profit Corporation Annual Report for 2005, 2006, 2007, 2008, and 2009 and subsequently knowingly filed those false documents with the State of Rhode Island.

General Kilmartin's philosophy that education concerning the OMA and APRA advances the goal of ensuring that government remains transparent, accessible, and accountable.



Maintaining his strong commitment to transparency in government, Attorney General Kilmartin again hosted the annual Open Government Summit to educate officials and the public on the APRA and the OMA. Held in August, the Open Government Summit attracted more than 600 attendees and was streamed live over the Internet for the fifth year in a row. To encourage

additional training, Attorney General Kilmartin has made the materials and video available on the Office website, accessible 24 hours a day, seven days a week.

In addition to the Open Government Summits, staff of the Open Government Unit traveled across the state to hold mini-summits upon request by city and town public bodies.

"The public deserves to know what its government is doing," said Attorney General Kilmartin. "I believe through education and awareness, we are raising the level of public interest in access to government, and holding public bodies accountable for failing to live up to their obligations to be open and transparent."

Strengthening DUI Laws

For the sixth year in a row, Attorney General Kilmartin filed legislation that would increase penalties for those who are convicted of killing or injuring individuals while driving under the influence of alcohol or drugs. In addition, Kilmartin filed legislation that would extend the so-called "look back" period on repeat alcohol-related offenses from five years to 10 years.



Attorney General Kilmartin speaking at a press conference at AAA urging motorists to not drink and drive during the holidays.

"Choosing to get behind the wheel of a motor vehicle while intoxicated or impaired on drugs is like playing with a loaded firearm - it's dangerous and often deadly," said Attorney General Kilmartin. "Every individual who gets behind the wheel of a motor vehicle while intoxicated is knowingly risking their own life and the lives of others on the roads. The penalties for such a deadly and callous decision should reflect the seriousness of the act, and there can be nothing more serious than taking the life of another."

Attorney General Kilmartin has long advocated for these measures, and has filed these bills each year since he took office in 2011. The legislation has received the support of the Rhode Island Department of Transportation, the Traffic Safety Coalition, the Rhode Island Police Chiefs' Association, and Mothers Against Drunk Driving.

One piece of legislation filed on behalf of Attorney General Kilmartin would increase the penalty range for DUI death resulting or serious bodily injury. Under the legislation, a conviction under DUI death resulting would increase from a maximum imprisonment of 15 years to a maximum imprisonment of 30 years, a maximum fine of \$20,000, and license revocation for up to 10 years.

A conviction of DUI resulting in serious bodily injury would increase from a maximum penalty of 10 years to a maximum imprisonment of 20 years, a fine of up to \$10,000, and license revocation for up to five years.

The legislation would also increase the imprisonment sanctions for driving to endanger resulting in death from up to 10 years to up to 20 years, and those in violation of driving as to endanger serious bodily injury would face increased penalties from up to five years to up to 10 years.

A second piece of legislation would create the criminal offense of driving under the influence resulting in injury. This act would address the situation where injury results from driving under the influence, but does not meet the standard of “serious bodily injury.” Those in violation would be guilty of a felony and subject to imprisonment for not more than three years and have his or her license to operate a motor vehicle suspended for not more than one year.

A third piece of legislation Kilmartin is expected to refile would increase the “look back” period on third and subsequent alcohol-related offenses to 10 years. Currently, it is only five years.

According to the Century Council’s *Hardcore Drunk Driving Sourcebook*, a majority of jurisdictions have a “look back” period of 10 years. In fact, Rhode Island is the only New England state with a “look back” period of less than 10 years.

While the General Assembly failed to approve the measure, Attorney General Kilmartin pledged to refile the legislation in the 2017 session.

Protecting Individuals from Online Predators

Last year, the Rhode Island General Assembly passed legislation that would prohibit the posting of “revenge porn” (media shared without the consent of the individual in the images) and create criminal penalties for those who engage in “sextortion.” The legislation, however, failed to become law when the Governor vetoed the measure.

Revenge porn is sexually explicit media that is publicly shared online without the consent of the pictured individual. Revenge porn is uploaded by former lovers or hackers for the purpose of humiliation and exploitation. The images or videos are often accompanied by personal information, including the pictured individual’s full name and links to their social media profiles.

This bill garnered support among numerous organizations including the Rhode Island State Police, Day One, the Rhode Island Coalition Against Domestic Violence and the Cyber Civil Rights Initiative. It passed the Rhode Island House of Representatives 68 to 1 and unanimously passed the Rhode Island Senate. The bill was written to protect the privacy rights of victims and does not infringe on anyone’s legitimate rights of free speech. The countless victims who are routinely threatened, stalked, harassed, fired from jobs and even committed suicide because of sextortion would have been better protected by this bill.

“Individuals who are victims of revenge porn and sextortion are violated in one of the most intimate ways possible, and are often physically and financially exploited, while the abusers face no legal consequences for their depraved actions,” said Attorney General Kilmartin. “Telling



Attorney General Kilmartin speaking with Fox Providence about the real victims of revenge porn and sextortion and how police and prosecutors need a strong law to go after those who engage in this despicable behavior.

a victim, or the parent of a victim, that there is nothing we can do to hold the perpetrator accountable because there is no adequate law in place, is a failure of our criminal justice system and a failure of leadership by those who blocked passage of the legislation.”

“Our local law enforcement partners have had to turn away real victims of these crimes because there are no applicable laws to address this issue, including one woman whose ex-boyfriend sent revealing photos to her employer as revenge for her breaking things off and another woman whose estranged husband posted revealing photos on various social media sites while the couple was going through a divorce. We believe there to be many more similar, and worse, cases, but they are often not brought to our attention as police departments know that in most circumstances, charges cannot be filed,” added Kilmartin.

The legislation would prohibit unauthorized distribution of private, sexually explicit photos and videos, and only applies to those who intentionally distribute those images that were created under circumstances intended to remain private and that were distributed for no legitimate purpose. A first offense is a misdemeanor and, upon conviction, subject to imprisonment of up to one year, a fine of \$1,000, or both. Second and subsequent offenses are a felony and, upon conviction, subject to not more than three years imprisonment, a fine of not more than \$3,000, or both.

The legislation explicitly exempts material that relates to a matter of public concern; it also explicitly exempts when dissemination of such serves a lawful purpose; when the dissemination is made in the course of a lawful public proceeding; when the dissemination involves voluntary nudity or sexual conduct in public or commercial settings or in a place where a person does not have a reasonable expectation of privacy; and when the dissemination is made in the public interest, including the reporting of unlawful conduct, or lawful and common practice of law enforcement, criminal reporting, corrections, legal proceedings, medical activities, scientific activities, or educational activities.

The legislation also creates criminal penalties for those who engage in “sextortion,” a new cybercrime that occurs when offenders use personal images – often stolen or obtained by hacking – to force victims to engage in sending more sexually explicit photos or videos under threat the images will be made public. In addition, victims are often extorted into paying money or providing personal identifying information for the images to not be posted or revealed to others.

The Brookings Institute recently released a study on sextortion that found that 71 percent of cases involve victims under the age of 18, and that while nearly all adult victims are female, both minor girls and boys are targeted.

Under the legislation, those who threaten to disclose a visual image or make a threat to obtain a benefit in return for not disclosing a visual image would be, upon conviction, guilty of a felony and subject to a five-year sentence. Those convicted of demanding a payment for removing a visual image would be guilty of a felony and subject to up five years in prison, a fine of up to \$5,000, or both.

“As reprehensible as it is to post private, very personal photos of someone out of revenge, extorting people – primarily young adults – into sending more inappropriate photos or demanding money to keep the photos out of the public realm takes depravity to a new low. Victims of sextortion need to know that they can turn to law enforcement to stop the perpetrators, and as prosecutors, we need the tools to hold these sexual predators accountable,” added Kilmartin.

Increasing Penalties for Animal Abuse

With animal cruelty reports and investigations on the rise and rigorous prosecution of these cases, it has been clear that there is a need to increase the imprisonment penalty for these victim-based crimes. In response, Attorney General Kilmartin filed legislation that increases criminal penalties for malicious injury to or killing of animals from no more than two years to no more than five years and increases the community service requirement from 10 hours to 50 hours.

The General Assembly passed Attorney General Kilmartin's legislation, making Rhode Island a true leader in laws to protect animals.



Assistant Attorney General and Chief of the Criminal Division Stacey P. Veroni speaks with NBC 10 on the need to increase criminal penalties for those convicted of animal abuse.

The increase in cases of animal abuse reflects changing societal attitudes, greater awareness, and better education of law enforcement to recognize animal abuse,” said Attorney General Kilmartin. “In many instances, the defendant charged with felony animal abuse has seen previous contact with the criminal justice system, most commonly for domestic violence offenses.”

Studies show that those who physically torment and kill animals are inclined to commit further violent acts towards humans. In fact, in October of 2014, the Federal Bureau of Investigation announced that it will now be categorizing these offenses as a Group A crime that also includes homicide, arson and assault. This is due to the continued link between violent offenders who have histories of repeated acts of animal cruelty. In addition, the American Humane Association reports that 71 percent of pet owning women who entered a shelter for relief reported that their abuser injured or killed their animal and 32 percent reported that their children have injured or killed animals.

The successful effort to increase penalties led to a feature article in Lex Canis, a law journal of the Association of Prosecuting Attorneys that focuses on legal issues and advocacy for animals.

Human Trafficking

Human trafficking is one the world's fastest growing criminal enterprises, valued to be an estimated \$32 billion-a-year global industry. After drug trafficking, human trafficking is the world's second most profitable criminal enterprise, a status it shares with illegal arms trafficking. Sex trafficking can and does take place in every community, no matter the cultural make up, the affluence, or the location. No community is immune from being affected by the exploitation of human beings for commercial sexual activity.



Seeing a dramatic increase in cases of sex trafficking come before the Office of Attorney General for prosecution, Attorney General Kilmartin worked with the United States Attorney's Office and local, state and federal law enforcement agencies to establish the Sex Trafficking Law Enforcement Task Force. Members of the Task Force are laser-focused, working together as “one voice” on “one mission” to investigate, arrest and prosecute sex traffickers and sex buyers, and to rescue as many victims as possible who have become ensnarled in webs weaved by sex traffickers.

In addition, members of the Sex Trafficking Law Enforcement Task Force worked closely with the Lawrence A. Aubin, Sr. Child Protection Center at Hasbro Children's Hospital, the Department of Children, Youth and Families, the Rhode Island Public Defender's Office, and the Rhode Island Police Chiefs' Association to develop a uniform response protocol intended to serve as a guide and resource to assist in detecting and investigating the commercial sexual exploitation of children, successfully prosecuting those who engage in this conduct, and addressing the recovery needs of the victims of this crime.

"Make no mistake about it: the depraved individuals who enslave others for the commercial sex industry are more than mere criminals. They are kidnappers, torturers and rapists. To effectively end sex trafficking, it requires cooperation among local, state, and national law enforcement agencies," said Attorney General Kilmartin. "The partnership by law enforcement through the Rhode Island Sex Trafficking Law Enforcement Task Force has shown that by working together, we can successfully combat this new form of slavery and put the traffickers out of business."

Recognizing sex trafficking for what it is - a sex crime - the General Assembly passed and the Governor signed into law legislation filed by Attorney General Kilmartin that requires individuals who are convicted of sex trafficking to comply with the state's sex offender registration and community notification statute.

"Individuals who capitalize on the selling of a person, mostly young women against their will, for sexual commercialization are sexual predators and rightfully will now be subject to the same rigorous classification and community notification standards as those convicted of other sex offenses," said Attorney General Kilmartin.

CURTIS MAXIE SENTENCED TO 100 YEARS FOR SEX TRAFFICKING

After Curtis "Kellogg" Maxie was found guilty of sex trafficking a minor and sexual assault, Justice Netti C. Vogel sentenced him to 100 years to serve, the longest sentence handed down yet in Rhode Island for the crime of sex trafficking.

During the course of the trial, the jurors heard testimony from the victim, who was 16 years of age at the time she was sexually assaulted and trafficked by Maxie in 2014. The victim testified that Maxie called her pet names and told her he needed to see if she was "GFE," meaning "Girlfriend Experience." Maxie then sexually assaulted the victim, telling her that he "needed to try her out to see if she could make him lots of money."

Jurors also heard from co-conspirator Marquis Melia, who had already pleaded nolo contendere to sex trafficking of a minor and conspiracy to commit sex trafficking of a minor, that he texted Maxie before he and the victim went to his apartment, telling Maxie he had a "fresh catch," meaning a new girl for Maxie to pimp out. Melia further testified that he bought pre-paid debit cards for Maxie to use to place ads on Backpage.com for the victim as an escort. He acknowledged his role in the trafficking of the victim.

The Pawtucket Police Department received a tip that the victim was being trafficked through Backpage.com. Pawtucket Police went to Maxie's apartment where they located the young girl.

Fighting Opioid Abuse and Addiction

Attorney General Kilmartin joined his attorneys general colleagues in urging the adoption of new guidelines for prescribing opioids for chronic pain by the Centers for Disease Control and Prevention.



Attorney General Kilmartin giving keynote remarks at the National Association of State and Territorial Health Officials meeting on opioid abuse and addiction.

“There is a direct correlation between opioid overdose deaths and the increase in prescribed opioids,” said Attorney General Kilmartin. “In order to reduce opioid deaths and injuries, we must provide clear guidance to prescribers to assess the appropriate balance between the potential harms and benefits of opioid use. By better informing and guiding prescribers, the guidelines will provide a strong framework for providers, and will improve the access to opioids for patients for whom they are the best choice.”

Later in 2016, Attorney General Kilmartin served as the keynote speaker at a joint meeting of National Attorneys General Training and Research Institute and the Association of State and Territorial Health Officials where he spoke of collaboration among key stakeholders within the legal, public health, and medical communities to improve prescribing methods and enforcement.

Going After “Pill Mills” and Pill Doctors

Recognizing the need for law enforcement to have increased access to the State’s electronic prescription database in order to effectively investigate and prosecute “pill mills” and doctors who make a living from overprescribing opioids, Attorney General Kilmartin filed legislation that would provide local, state and federal law enforcement and prosecutorial officials engaged in the administration, investigation or enforcement of laws governing prescription drugs access to the prescription drug monitoring database (PDMP) if the request is in connection with a bona fide specific controlled substance or additional drug-related investigation.

Under the legislation, the request for access to a PDMP, operated by the Rhode Island Department of Health, will be limited to those instances where there is an active investigation of illegal drug diversion.

“While most state leaders recognize that we need a comprehensive approach to addressing the problem, we cannot turn a blind eye to the fact that much of this crisis has been borne out of the diversion of prescription drugs for illicit purposes,” said Attorney General Kilmartin. “I am hopeful that the Rhode Island Department of Health and the Administration will recognize the importance of this bill.”

“Access contemplated in this bill will remove an unnecessary restriction on federal and state law enforcement’s ability to investigate criminal prescription drug prescribing and illegal prescription drug diversion. It will also correct a statute enacted in 2013 which unnecessarily restricted investigations,” he added.

Thirty states, including neighboring Massachusetts and Connecticut, have similar laws giving law enforcement the access to the PDMP for criminal investigations without the use of a search

warrant.

The PDMP Center of Excellence at Brandeis University cites the standard this legislation seeks as a best practice for law enforcement in curbing illicit narcotics activities, specifically the illegal diversion of prescription drugs.

While the legislation passed out of the House Health, Education and Welfare Committee, it was not voted on by the entire House and the legislation was held for further study by the Senate.

Increase of Amphastar Rebate

In late 2015, Attorney General Kilmartin secured an agreement with Naloxone (Narcan) manufacturer Amphastar Pharmaceuticals, Inc., in which the company provided a \$4 rebate for each Naloxone kit purchased by non-federal government agencies in Rhode Island. In early 2016, Attorney General Kilmartin renegotiated that agreement to increase the rebate from \$4 per dose to \$6 per dose, retroactive to purchases made on or after October 1, 2015.

Ensuring Access to Suboxone

While Attorney General Kilmartin secured a rebate for Naloxone, he also took action to reduce the cost of Suboxone, a prescription drug used to treat opioid addiction. Suboxone is a brand-name prescription drug used to treat heroin addiction and other opioid addictions by easing addiction cravings. No generic alternative is currently available.

Attorney General Kilmartin filed an antitrust lawsuit against the makers of Suboxone over allegations that the companies engaged in a scheme to block generic competitors and cause purchasers to pay artificially high prices.

Reckitt Benckiser Pharmaceuticals, now known as Indivior, is accused of conspiring with MonoSol Rx to switch Suboxone from a tablet version to a film (that dissolves in the mouth) in order to prevent or delay generic alternatives and maintain monopoly profits.

The companies are accused of violating state and federal antitrust laws.

“While Rhode Island and the nation continue to struggle with the opioid abuse and addiction crisis, the makers of Suboxone are more concerned with protecting their profits,” said Attorney General Kilmartin. “We know Suboxone helps with the addiction of opioids, and can be a lifesaving

SUPPORTING DRUG TAKE BACK DAYS



Recognizing that opioid abuse often starts with prescribed painkillers that languish in home medicine cabinets, Attorney General Kilmartin continued to support and promote the federal Drug Enforcement Administration-organized Prescription Drug Take Back Days. The program was created in 2010 by the DEA to prevent pill abuse and theft by allowing residents to rid their homes of potentially dangerous expired, unused, and unwanted prescription drugs.

“Ridding our homes of expired and unused prescription medications is both an easy and effective manner to ensure they don’t end up in the hands of someone with an

drug for those who are struggling with addiction, but it is expensive. It is reprehensible for the manufacturers to purposefully delay allowing generics to come to market when people are dying from addiction.”

Expanding Substance Abuse and Mental Health Insurance Coverage



Attorney General Kilmartin testified before the Senate Health and Human Services Committee on parity in the substance abuse and mental health insurance coverage.

In another move, Attorney General Kilmartin pushed to require insurance companies to cover at least 90 days of residential or inpatient services for mental health and/or substance abuse disorders.

“While the state has made great strides in providing Naloxone, increasing recovery coaches in our emergency rooms, and prosecuting drug traffickers, I believe that we are overlooking essential pieces to this complex problem, which includes appropriate substance abuse education and necessary treatment for those suffering from substance abuse disorders,” said Attorney General Kilmartin.

Rhode Island, on some level, has recognized mental health and substance abuse disorder parity since 1994.

However, Attorney General Kilmartin believes the state needs to make sure that parity is justly acknowledged by insurance providers. It is well known in this state, and across the country, that one of the biggest barriers to recovery is access to necessary treatment. In fact, many have suffered relapses, because they were released from inpatient treatment far earlier than they were ready for. This is most disturbing for those suffering from heroin and prescription opioid abuse disorders as this is when they are most vulnerable to overdose.

“My office has experienced this firsthand in the criminal justice system. As individuals are placed into inpatient treatment they are often too quickly released as the insurance provider has refused to cover, or continue to cover, the cost of this crucial – and potentially lifesaving – care,” added Kilmartin. “For those individuals in the criminal justice system, the Court can order the person into treatment, thus forcing the insurance company to cover such treatment. But this begs the question: what happens to those individuals who are not part of the criminal justice system? Who fights for them to make sure their treatment is covered? Why are two segments of our population being treated disproportionately when suffering from the same disease?”

Amended legislation passed the House, but was held for further study in the Senate. Attorney General Kilmartin has reintroduced the legislation to be considered in the 2017 General Assembly session.

“It is my sincere belief that to truly address the substance abuse and overdose epidemic that is shattering the lives of people across our State, we must honestly face the truth that enough is not being done to educate people regarding the dangers of substance abuse or to provide the necessary services and treatment for those suffering from the disease of addiction.”

Cracking Down on Drug Traffickers

Attorney General Kilmartin recognizes that in order to combat the opioid addiction and overdose crisis in Rhode Island, any strategy must include strong involvement with traditional



Attorney General Kilmartin joined the Woonsocket Police Department and the Drug Enforcement Administration to announce the results of Operation Zero Tolerance.

law enforcement. To that end, the Office of Attorney General announced several significant drug trafficking investigations and prosecutions.

In February, Attorney General Kilmartin joined the Woonsocket Police, the Drug Enforcement Administration (DEA) and the Rhode Island DEA Drug Task Force to announce a 10-month criminal investigation that led to the arrest of more than 30 individuals on drug trafficking charges.

Named “Operation Zero Tolerance,” the investigation focused on eliminating the perpetual violence in and around the Veterans Memorial housing complex in Woonsocket that was being fueled by illicit drug trafficking.

Over the course of the investigation, federal and local law enforcement identified individuals who were known for trafficking in narcotics and executed more than 60 controlled buys of heroin, fentanyl, crack, and cocaine from approximately 35 individuals in the vicinity of the housing complex. The investigation led to the seizure of approximately 25 grams of heroin, five grams of fentanyl, more than 350 grams of crack cocaine/cocaine, and approximately \$6,500 in U. S. currency.

“Every person deserves to feel safe in their own neighborhood. As the name of this investigation indicates, we have zero tolerance for those who traffic drugs in our communities,” said Attorney General Kilmartin at the press conference.

In July, Attorney General Kilmartin stood alongside Providence Public Safety Commissioner Steven Pare and Providence Police Colonel Hugh Clements to announce the results of a months-long investigation into heroin trafficking in the City resulting in the seizure of more than four kilos of heroin and the arrest of seven heroin dealers, disrupting a major drug trafficking ring in the Capital City.



Attorney General Kilmartin joined Providence Police to announce results of a major drug trafficking investigation, including the seizure of several kilograms of heroin, guns, and money.

Advocating for Patients

In another example of true bipartisanship, the General Assembly passed a bill that expanded health insurance coverage to include off-label use of prescription medications for the treatment of disabling or life-threatening chronic diseases.

Filed at the request of Attorney General Kilmartin, the legislation bans health insurers from refusing to cover non-Federal Drug Administration (FDA) approved drugs used for the treatment of disabling, chronic, or life-threatening disease on the grounds that the drug was not approved for the prescribed use by the FDA. The drug, however, must be recognized for treatment of a disabling, chronic, or life-threatening disease in one of the standard reference compendia or other medical literature. This bill expands the kind of comprehensive coverage previously available only for cancer treatment to medication used to treat any disabling, chronic, or life-threatening disease.

Prescribing off-label medications is a common practice within the medical community. When a doctor prescribes a medication “off label,” it means said previously available medication is being used to treat a symptom or disease which has not received FDA approval, not that the medication itself has not been reviewed by the FDA.

“This new law will go a long way to help patients suffering from life-threatening, chronic diseases by ensuring they have access to the medication they need to live comfortably and pain free,” said Attorney General Kilmartin. “In Rhode Island, the use of off-label medication to treat cancer has been required of insurance companies since 1994. The passing of this important legislation not only highlights the dramatic medical advances made since 1994, but makes them financially accessible for all Rhode Islanders. Obtaining FDA approval for medication is a lengthy and expensive process, and Rhode Islanders with chronic, disabling, or life-threatening illnesses should not have to be refused treatment just because medical data is not updated.”

“I am thankful for the efforts of the late-Senator William Walaska in advocating and pushing for passage of this new law,” added Kilmartin.



Attorney General Kilmartin advocated for the passage of the so-called “off-label” prescription drug bill.

Fighting Medicaid Fraud

With Medicaid accounting for one of the largest chunks of the state budget, the Office of Attorney General houses the federally-funded Medicaid Fraud and Patient Abuse Unit, which enforces the laws pertaining to fraud in the state Medicaid program and prosecutes cases of abuse, neglect, or mistreatment of patients in all state healthcare facilities.

Medicaid recipients have the right to receive care in their own homes under the Personal Choice Plan covered by their Medicaid insurance. This is designed to ensure the well-being of elder individuals who wish to reside in their own homes while receiving care from individuals they choose. These individuals are compensated by logging their hours spent taking care of the beneficiary and receiving payment based on the hours they report.

In June, Attorney General Kilmartin announced the arrest of two sisters for allegedly falsely reporting billable hours for time they did not spend caring for their patient. The women allegedly stole more than \$26,000 in funds they were not entitled to. The investigation and arrests were a part of the National Medicaid Fraud investigation by the United States Department of Justice, the Federal Bureau of Investigation, and the Department of Health and Human Services regarding fraudulent overbilling for services that were medically unnecessary or never performed, adding up to approximately \$900 million nationwide. Both cases were pending as of the date of publication of the Annual Report.

Citing patient safety and the need for more tools to fight Medicaid fraud, Attorney General Kilmartin again submitted legislation that would require national background checks and licenses for personal care attendants.

Recognizing that individuals need different levels of care at home, the Medicaid system relies on the expanded use of personal care attendants. Personal care attendants do not provide any medical services, but do provide services to help consumers stay in their home, such as grooming,

household tasks and transportation.

“For patient safety, especially due to the vulnerability of our seniors, workers in this field need to be subject to a national background check, training and regulation. As more patients stay in their homes longer, we need to ensure the most vulnerable are being treated by professional workers to protect them from victimization and exploitation,” said Attorney General Kilmartin. “This is a safety issue for our most vulnerable citizens.

Although personal care attendants do not provide medical services, they provide assistance with physical activities, such as grooming and bathing, and financial activities, such as paying bills and shopping, as well as companionship for their clients. I strongly believe it is necessary, due to the intimate physical tasks required of personal care attendants, that they be required to receive a national criminal records check and basic training, as well as individualized training to suit the needs of their client.” Attorney General Kilmartin believes the measure would also cut down on Medicaid fraud.

The Medicaid Fraud and Patient Abuse Unit also works closely with federal and state authorities to investigate pharmaceutical companies that overbill and defraud the state’s Medicaid program. In April, Attorney General Kilmartin announced a major settlement between Rhode Island and Wyeth Pharmaceuticals, in which the state’s Medicaid program received \$5,463,754 from the company to resolve allegations that Wyeth knowingly underpaid rebates owed under the Medicaid Drug Rebate Program for the sales of Protonix Oral and Protonix IV between 2001 and 2006.

“As the state continues to look for ways to contain increasing Medicaid costs while maintaining the same level of quality services to the populations it serves, this settlement adds significant non-taxpayer dollars to the bottom line. Our Medicaid Fraud Control Unit continues to play a critical role in holding these large pharmaceutical companies accountable for their actions that cost the state money and we have consistently investigated them when they fail to play by the rules,” said Attorney General Kilmartin.

Addressing Gun Violence

Calling gun violence a “public safety and a public health issue,” Attorney General Kilmartin urged Congress to fund research by the Centers for Disease Control and Prevention (CDC) into the causes and prevention of gun-related injuries and death.

In 1996, Congress included a provision in the annual appropriations bill prohibiting the use of any CDC funds “to advocate or promote gun control.” In an effort led by attorneys general, including Attorney General Kilmartin, the group sent a letter calling for Congress not only to eliminate the annual rider that blocks gun research efforts, but also to direct funding for the CDC to study the causes of gun violence. The goal is to help determine the most effective prevention strategies.

As the chief law enforcement officer in the State, Attorney General Kilmartin recognizes the need for evidence-based strategies to combat the epidemic of gun violence that is ravaging our families and communities. He said, “We see the tragic results of gun violence all too often. Understanding more about the root cause of gun-related injuries and gun violence will help us



Attorney General Kilmartin speaking at the New England Regional Gun Violence Summit hosted by Providence Mayor Jorge Elorza.

know how to better address the issue and more effectively target our limited resources. Just as the CDC is studying the public health crisis of opioid abuse and addiction in this country, I firmly believe it is worth the investment and resources to study gun violence, its underlying cause, and the short- and long-term effects on our citizens.”

Locally, Attorney General Kilmartin filed several pieces of legislation addressing gun violence. One bill would amend the “possession of firearms by minors” section of R.I. Gen. Laws §11-47-33. Currently, for a minor to be charged with illegal possession of a firearm, they must possess and use the firearm. This amendment would criminalize mere possession of a firearm, subject to exemptions.

“The loophole in the existing law is very troublesome due to the fact that it is common for adult gang members to have juveniles hold their firearms because the legal consequences are less serious or non-existent for juveniles,” said Attorney General Kilmartin. “The severity of gang violence is ongoing, especially in our urban communities, and it is imperative that we send a clear and strong message to criminal street gangs that we are not going to tolerate them putting our youth in harm’s way by making them hold illegal guns.”

A second piece of legislation filed by Attorney General Kilmartin would include orange or otherwise brightly colored plugs or tips that are inserted into or removed from the barrel of any firearm into the definition of “mark of identification” for the prohibition of changing, altering, removing, or obliterating any mark of identification on a firearm or the knowing possession such a firearm absent recertification paperwork.

“Many of today’s toy guns are made to look exactly like real firearms. If the orange tip is altered or removed, it is often extremely difficult, if not impossible, to distinguish the difference between the two. When law enforcement comes upon an individual, a child, with what appears to be a real firearm, it could lead to a tragic and deadly situation. A situation which could more easily be avoided with this legislation,” said Attorney General Kilmartin.

Protecting Small Business

After several years before the General Assembly for consideration, a bill filed at the request of Attorney General Kilmartin that prohibits so-called “patent trolls” passed and was signed into law. The new law protects small business owners by prohibiting a person or company from making bad faith assertions of patent infringement against a Rhode Island business or individual.

The law targets “patent trolls,” which are individuals or companies that acquire patents solely for the purpose of using them to extract license fees and settlements from those targeted as alleged infringers. Consumers, small businesses and non-profit agencies are often targeted by patent trolls because they have purchased or used products with a wide range of patented technology such as printers or scanners.

The law allows a business or individual to bring action in Rhode Island Superior Court against the patent troll, where they may be awarded equitable relief, actual damages, costs, attorney’s fees and exemplary damages. The law also provides the Office of Attorney General the ability to pursue investigations and bring civil actions against patent trolls under antitrust law and the Deceptive Trade Practices Act.

“This is a very important pro-business law that will protect our small businesses from what are essentially boardroom shakedowns that exploit a loophole in our existing patent infringement

laws,” said Attorney General Kilmartin.

According to a report published by the Practising Law Institute, frivolous patent litigation costs U.S. businesses approximately \$29 billion a year in direct costs and \$80 billion in indirect costs. And according to a study published in July by PricewaterhouseCoopers, almost 6,500 patent lawsuits were filed in the United States in 2013, of which 67 percent of those lawsuits were filed by patent trolls.

Protecting, Educating and Advocating for Rhode Island Consumers



Members of the Consumer Protection Unit and employees from partner Doc Shredding Corp. help consumers safely dispose of materials that contain personal identifying information as part of Attorney General Kilmartin's free Shred-a-Thons.

According to the U.S. Department of Justice, approximately 16.6 million people nationwide experience identity theft every year. Although data breaches at major corporations have made headlines, many cases of ID theft are committed in a much more low-tech way: by picking through someone's trash to find discarded documents, like bills or bank statements that contain personal information.

One of the best - and simplest - ways to protect yourself from ID theft is to shred documents that contain sensitive information. That is why Attorney General Kilmartin once again hosted a series of “shred-a-thons,” which are free and open to the public, in order to help Rhode Islanders fight identity theft.

In 2016, the sixth and most successful year, the Office partnered with Doc Shredding Corp to help consumers safely dispose of confidential documents at no cost. As

in years past, Attorney General Kilmartin asked participants to drop off a non-perishable food item for the Rhode Island Community Food Bank when they dropped off their documents for shredding.

The Consumer Protection Unit in the Office of Attorney General receives more than 5,000 phone calls and emails from consumers who may have been a victim of a scam or a deceptive practice by a business. While the Unit is unable to represent private citizens individually, the consumer protection advocates seek to resolve complaints between consumers and companies without going to court. In certain circumstances, the Office can file a lawsuit on behalf of consumers if a business owner fails to comply with state laws.

After the Office received more than 1,000 complaints from consumers who were left holding useless gift certificates for the Faial restaurant in Smithfield once the business closed down, Attorney General Kilmartin filed a lawsuit in Superior Court seeking relief on behalf of the customers citing Faial's and its owners in violation of the State's Deceptive Trade Practices Act and the State's Unfair Sales Practices Act.

The State alleged the defendants violated the Deceptive Trade Practices Act and the Unfair



Attorney General Kilmartin joined business leaders and government officials to promote “Free File,” an initiative allowing consumers to file taxes for free.

Sales Practices Act by selling gift certificates for goods and services to Faial's customers, and subsequently failing to provide those goods and services; failing to pay rebates to the customers who had purchased gift certificates; failing to offer to reimburse the consumers for their losses and having no reasonable explanation as to how the proceeds from the sale of the gift certificates were expended; and failing to keep a list of people who purchased the gift certificates.

In addition, the Unit works with other attorneys general offices on multistate investigations of national companies that violate states' deceptive trade practices laws.

Volkswagen Settlement



In one of the nation's largest settlements with a single company, Attorney General Kilmartin announced that Volkswagen is required to pay out more than \$570 million in Rhode Island for violating state laws prohibiting unfair or deceptive trade practices by marketing, selling, and leasing diesel vehicles equipped with illegal and undisclosed defeat device software.

The agreement provides cash payments to affected consumers, requires Volkswagen to buy back or modify certain VW and Audi 2.0-liter diesel vehicles, and prohibits Volkswagen from engaging in future unfair or deceptive acts and practices in connection with its dealings with consumers and regulators. In addition, Volkswagen was required to make payments to individual states.

"Volkswagen deceived its customers along with state and federal regulators when the company knowingly sold vehicles that failed to meet emissions standards as marketed, and further, tried to cover up its actions," said Attorney General Kilmartin when the settlement was announced. "This settlement, one of the largest in recent history, provides real relief for consumers who consciously purchased certain models for their smaller environmental impact than other vehicles and holds the company responsible for its reckless and negligent actions."

Under the settlement, Volkswagen owners will receive a restitution payment of at least \$5,100 up to \$10,000, and a choice between a buy back of the vehicle (based on pre-scandal NADA value) or a modification to reduce emissions.

Additional components of the Volkswagen settlement included that Volkswagen will pay \$2.7 billion into a trust to support environmental programs throughout the country to reduce emissions of NOx. The fund is intended to mitigate the total, lifetime excess NOx emissions from the 2.0-liter diesel vehicles as identified. Under the terms of the mitigation trust, Rhode Island is eligible to receive approximately \$13.5 million to fund mitigation projects.

In addition to consumer restitution, Volkswagen agreed to pay to the states approximately \$1,000 per car for repeated violations of state consumer protection laws. This comes to approximately \$3.2 million paid for affected vehicles Volkswagen sold and leased in Rhode Island.

MoneyGram Settlement

In 2016, Attorney General Kilmartin announced a settlement with Dallas-based MoneyGram Payment Systems, Inc. (MoneyGram) resolving a multistate investigation which focused on complaints of consumers who used MoneyGram's wire transfer service to send money to third parties involved in schemes to defraud consumers. In addition to Rhode Island, 48 states and the

District of Columbia participated in this settlement.

“Con artists use a wide variety of schemes to persuade consumers to wire them money,” said Attorney General Kilmartin. “These range from the heartless ‘grandparent or relative in distress’ scam, in which a fraudster contacts a grandparent and falsely claims that money must be wired to assist with a grandchild’s medical or legal emergency to international lottery and contest scams in which consumers are told they have won a large sum of money but must first wire money to pay required taxes or fees before receiving their winnings. Consumers who receive solicitations from strangers promising big winnings should toss those letters in the trash, delete the e-mail or hang up the phone.”

The settlement has two main components. First, MoneyGram agreed to maintain and continue to improve a comprehensive and robust anti-fraud program designed to help detect and prevent consumers from suffering financial losses as a result of these types of fraud induced wire transfers.

Second, MoneyGram agreed to pay a total of \$13 million dollars to the states to fund a nationwide consumer restitution program and for the states’ costs and fees. Under the terms of the settlement, the State of Rhode Island received \$20,000 for costs and fees associated with the investigation and settlement.

HSBC Settlement

Although it is widely accepted that the housing crisis the country experienced is finally in the past, it has not stopped Attorney General Kilmartin from holding responsible those who profited from deceptive and abusive mortgage origination, serving and foreclosure practices. In February, Attorney General Kilmartin announced a \$470 million joint state-federal settlement with mortgage lender and servicer HSBC.



Modeled after the National Mortgage Settlement, it provided direct payments to Rhode Island borrowers for past foreclosure abuses and loan modifications, as well as other relief for borrowers in need of assistance, set forth rigorous mortgage servicing standards, and granted oversight authority to an independent monitor.

“We held yet another major mortgage servicer accountable for its bad past practices. As I have noted during previous mortgage settlements, banks that engaged in unscrupulous practices will be held accountable,” said Attorney General Kilmartin. “This settlement brings real relief for Rhode Islanders and sets forth strict servicing standards to ensure that homeowners now have better protections in place.”

Keeping Big Pharma Honest over Marketing and Pricing

Attorney General Kilmartin announced a multistate settlement with Cephalon and affiliated companies regarding alleged anticompetitive conduct by Cephalon to protect the monopoly profits it earned from its landmark wakefulness drug, Provigil. That conduct delayed generic versions of Provigil from entering the market for several years. Under the terms of the settlement, the State of Rhode Island’s total recovery was approximately \$1,079,725 consisting of: \$576,782 to compensate for Provigil purchases by certain state entities or authorized purchases off state contracts; an estimated \$193,031 for distribution to Rhode Island consumers for payments for Provigil; and \$309,911 for Rhode Island’s share of disgorgement and costs.

As patent and regulatory barriers that prevented generic competition to Provigil neared expiration, Cephalon intentionally defrauded the Patent and Trademark Office to secure an additional patent, which a court subsequently deemed invalid and unenforceable. Before that court finding, Cephalon was able to delay generic competition for nearly six years by filing patent infringement lawsuits against all potential generic competitors. Cephalon settled those lawsuits in 2005 and early 2006 by paying the generic competitors to delay sale of their generic versions of Provigil until at least April 2012. Because of that delayed entry, consumers, states, and others paid hundreds of millions more for Provigil than they would have had generic versions of the drug launched by early 2006, as expected.

“Cephalon knew delaying the entry of generic versions of the drug Provigil to the market would result in hundreds of millions of dollars of profits, at the expense of consumers and states of course,” said Attorney General Kilmartin. “Today’s settlement is a message to other pharmaceutical companies that we are not going to allow anyone to employ dirty tactics to pad the bottom line.”



Bristol-Myers Squibb

*Attorney General Kilmartin secured approximately
\$235,269 for the State of Rhode Island through a
Deceptive Trade Practices Act.*

In another action, Attorney General Kilmartin reached a settlement with Bristol-Myers Squibb (BMS) related to the drug company’s alleged improper marketing of Abilify, an atypical antipsychotic drug. In the filing filed with the Court, Attorney General Kilmartin alleged that

BMS engaged in unfair or deceptive trade practices when it marketed Abilify. Rhode Island will receive \$235,269 through this settlement.

Abilify is the brand name for the prescription drug aripiprazole. The drug was originally approved by the U.S. Food and Drug Administration (FDA) for the treatment of schizophrenia in 2002. Since then, the FDA has approved various formulations of Abilify for several indications. The complaint, however, alleges that BMS promoted Abilify for use in elderly patients with symptoms consistent with dementia and Alzheimer’s disease despite the lack of FDA approval for these uses and without first establishing the drug’s safety and efficacy for those uses.

In 2006, Abilify received a “black box” warning stating that elderly patients with dementia-related psychosis who are treated with antipsychotic drugs have an increased risk of death. Additionally, the complaint alleged that BMS promoted Abilify for uses in children not approved by the FDA. Moreover, the complaint alleged that BMS minimized and misrepresented risks thereby making false and misleading representations about Abilify’s risks.

“Bristol-Myers Squibb purposefully did an end run around the FDA approval process in order to enhance profits, while putting vulnerable patients at risk,” said Attorney General Kilmartin. “This isn’t the first time a pharmaceutical company has put profits ahead of patients, which is why our partnership with attorneys general across the country to investigate this deceptive practice is critical to keeping these companies honest.”

Protecting Homeowners from Bad Contractors

Citing complaints against bad contractors as one of the most frequent consumer complaints filed with the Consumer Protection Unit, Attorney General Kilmartin filed legislation that would require a national criminal records check for those seeking a license as a contractor.

“Providing a licensing and registration requirement of a national criminal records check helps

to ensure the physical and financial safety of consumers using the services of contractors,” said Attorney General Kilmartin. “Due to the nature of the business relationship between consumers and contractors, these licensees have intimate access into consumers’ property, and consumers must rely heavily on the assertions made by these licensees in contracting. It is in the best interest of Rhode Island consumers that the licensing agency be able to consider whether a potential licensee has had a conviction of serious physical violence, a financial crime, or a property crime before granting a license or registration.”

Attorney General Kilmartin also filed legislation that would increase penalties for contractors who fail to comply with a final order of the Contractors’ Registration and Licensing Board (CRLB).



Attorney General Kilmartin filed legislation to protect homeowners from dubious and deceitful contractors.

Specifically, the legislation would provide that any person who violates a final order of the CRLB where the monetary total of the order is less than \$5,000, upon proper written notification, would be guilty of a misdemeanor, and, upon conviction, shall be imprisoned for a term not exceeding one year, fined not more than \$1,000, or both. Where the monetary total of the order is \$5,000 or greater, upon written notification, those in violation would be guilty of a felony, and, upon conviction, shall be imprisoned for a term not exceeding 10 years, fined not more than \$10,000, or both. The imprisonment time for those persons found to be a repeat offender would be increased from up to five years to up to 10 years.

When a licensee violates a final order of the CRLB, that case is referred to the Office of Attorney General for criminal prosecution. In the prosecution of violation of the final order, the Court may sentence the defendant to the monetary judgment the CRLB decreed in its final order. The monetary judgment includes both restitution to the victims and fines to the CRLB. Since these offenses are now considered misdemeanors, the defendant generally has only one year to pay the restitution amount, and this is not an adequate period of time in certain circumstances, especially if the final order is of a significant amount.

“The current state of the law results in the victim of these crimes being left unwhole, and this legislation would finally put some teeth in the CRLB’s and my Office’s ability to hold those who do shoddy work and who take advantage of homeowners accountable and get resolution for the consumer,” said Attorney General Kilmartin.

While the legislation failed to pass, Attorney General Kilmartin filed the same legislation in the 2017 General Assembly session.

Prosecuting Deceptive Contractors

After receiving multiple complaints from homeowners about Francis Martin, a licensed contractor, the CRLB, law enforcement, and the Office of Attorney General initiated an investigation that led to misdemeanor and felony charges filed against Mr. Martin.

The State alleges that Martin would target homeowners whose homes had suffered insurable losses, holding himself out as a contractor who could fix their homes and ease their troubles. Martin left numerous homes in states of complete disrepair, performing demolition before leaving the job once he received payment from insurance claims. It is alleged that in multiple

incidents, Martin took the checks that were issued by the insurance company, which required the signatures of the homeowner, the contractor, and the mortgagee, and forged signatures before cashing the checks and absconding with the proceeds.

The Office of Attorney General brought three misdemeanor counts of failing to comply with a final order of the CRLB and seven additional felony counts against Martin stemming from his contracting activities, including obtaining money under false pretenses and forgery. Both cases are pending.

Educating Youth to Make Smarter and Safer Choices

Whether it be reading to elementary school-age children as part of Junior Achievement Reading Week or serving as a judge in the annual LifeSmarts competition, Attorney General Kilmartin enjoys speaking with young people about relevant issues.

It Can Wait



Attorney General Kilmartin visited 10 high schools in 2016, where more than 3,000 students signed the pledge to end distracted driving.

With recent studies showing that seven in 10 people are still using their smartphones while at the wheel and a startling number of drivers snap “selfies” or video chat, Attorney General Kilmartin continued to educate teen drivers on the dangers and consequences of distracted driving, bringing the “It Can Wait” campaign to schools throughout Rhode Island.

Now in its fifth year, Attorney General Kilmartin once again joined with the Rhode Island State Police and AT&T on the program.

“In the fifth year of educating young drivers on the dangers of distracted driving we are proud of the progress we’ve made, but realize it’s an ongoing battle to get drivers to put down their phones while operating a motor vehicle,” said Attorney General Kilmartin. “All you need to do is look at the vehicle next to or behind you on the highway, or even stopped at a traffic light, to see drivers looking at their phones instead of paying attention to what is going on around them. The good news is that peer influence can have a tremendous impact on drivers’ behavior, especially teen drivers, which is why it’s critical to teach them the message that no post, message, email, or photo is worth a life...It Can Wait.”

According to data released by AT&T, 62 percent of drivers keep their smartphones within easy reach while driving. Nearly four in 10 smartphone users tap into social media while driving, almost three in 10 surf the net, and one in 10 even video chat while driving.

Since the launch of the program, Attorney General Kilmartin has made more than 70 presentations at high schools across the state, where more than 30,000 students signed the pledge to put their phone away while driving.



Assistant AG John Corrigan speaks to students at Rhode Island College about the dangers of distracted driving. Students got to experience distracted driving first hand with the AT&T virtual reality automobile.

Talking to Teens about Dating Violence

The statistics are startling: one in three teens in the United States will experience physical, sexual or emotional abuse by a relationship partner. With that information as a backdrop, Attorney General Kilmartin used social media and the Office of Attorney General website to start discussions on the issue of teen dating violence, offer resources for additional information, and to hopefully spark conversations between parents and teens on what is a healthy relationship.



Attorney General Kilmartin produced a PSA about the signs of dating abuse in the digital era.

According to data from the Love Is Respect campaign, nearly 1.5 million high school students nationwide experience physical abuse from a dating partner in a single year. One in three adolescents in the U.S. is a victim of physical, sexual, emotional or verbal abuse from a dating partner, a figure that far exceeds rates of other types of youth violence. One in 10 high school students has been purposefully hit, slapped or physically hurt by a boyfriend or girlfriend. One quarter of high school girls have been victims of physical or sexual abuse.

“Unfortunately, no one is immune to dating violence – abuse can happen to anyone, regardless of age, gender, orientation, or background,” said Attorney General Kilmartin. “Abuse

happens far too often and its effects can last long after the relationship is over, which is why it is important to bring this issue into the spotlight. This year’s theme is ‘Love = Setting Boundaries,’ and I am talking to teens about how setting boundaries can help them feel safer and more empowered in their relationships.”

Improving the Reporting of Child Sex Abuse

In an ongoing effort to strengthen child protection policies, the Roman Catholic Diocese of Providence and the Rhode Island Office of the Attorney General established an enhanced protocol for reporting allegations of sexual abuse of a minor. Under this strengthened protocol, the Diocese of Providence has agreed to notify the Attorney General’s office of any allegations of sexual abuse of a minor.

It is the clear practice of the Diocese to report every allegation of sexual abuse of a minor to law enforcement. The additional step of notifying the Office of Attorney General provides supplemental transparency in keeping with the Diocese’s ongoing effort to ensure a safe environment.

“This new step strengthens existing reporting practices by the Diocese, which in turn will ensure greater transparency and a more robust investigation, and if appropriate, prosecution of individuals who sexually abuse children,” said Attorney General Kilmartin. “I am very appreciative of the Diocese, and in particular, Bishop Thomas Tobin, for their work on the Letter of Understanding, and more importantly, for the recognition that the sexual abuse by a member of the Catholic Church cannot and will not be tolerated.”

Protecting Kids from Dangerous Products

For the second year in a row, Attorney General Kilmartin filed legislation that would require child-resistant packaging for e-liquid used in electronic nicotine-delivery systems such as e-cigarettes and prohibit use of electronic nicotine delivery systems on school property, the

same way cigarettes are banned.

According to the Tobacco Control Legal Consortium, nicotine is an acute toxin and exposure by swallowing or contact with the skin can result in nausea, vomiting, respiratory arrest, seizure and even death. The Centers for Disease Control (CDC) report a dramatic increase in the number of calls related to e-cigarette liquid exposure, especially among children. According to a study released by the CDC in April 2014, the number of calls to poison centers involving e-cigarette liquids containing nicotine rose from one per month in September 2010 to 215 per month in February 2014. More than half, (51.1 percent) of the calls to poison centers due to e-cigarettes involved young children under the age of five, and about 42 percent of the poison calls involved people 20 years of age and older.

“The popularity and use of e-cigarettes and vaping products continues to rise. While the jury is still out on the health effects of e-cigarettes versus the known health effects of traditional nicotine products, we can all agree that these products should be kept out of the hands of children,” said Attorney General Kilmartin. “We require child proof packaging on just about every over-the-counter drug, and we need to start regulating e-cigarettes and e-liquids with the same intensity to decrease the experimental or accidental exposure of this dangerous product to children.”

Protecting our Environment

Citing climate change as one of the most consequential issues facing the country, Attorney General Kilmartin joined a broad-based coalition of 17 top law enforcement officials to protect and expand progress the nation has made in combating climate change.

The group pledged to work together on key issues, such as ongoing or potential investigations into whether fossil fuel companies misled investors and the public on the impact of climate change on their

PROTECTING CHILDREN



Who speaks for those victims who cannot speak for themselves? That is the question Attorney General Kilmartin asked when he established the first ever specialized Child Abuse Unit in the Office of Attorney General in 2011.

The Child Abuse Unit was established with the primary responsibility to prosecute sexual and physical abuse cases committed against our most vulnerable population - children.

Specifically, this Unit oversees the investigation and prosecution of 1st degree and 2nd degree child molestation cases, and 1st and 2nd degree child abuse cases.

The overall goals of the Child Abuse Unit are for specially trained and experienced prosecutors to handle cases from investigation through arrest and final prosecution in child sexual abuse and serious physical abuse cases, to minimize the time cases move through the criminal justice system, and to minimize the difficulty for a child involved in the criminal justice process.

The cases prosecuted are heartbreaking and, yet, can be extremely rewarding to secure justice for a child victim.

In Providence, a waterfront fight over scrap metal company



HELY PHOTOS
The Attorney General's office is concerned about a submerged water pipe on the property that supplies drinking water to East Providence. The Providence Journal/Steve Sztybel

The Providence Journal story of the efforts by Attorney General Kilmartin to clean up the Providence waterfront.

Agency's "Clean Power Plan" against legal challenge, filing a brief to the D.C. Circuit Court in support of the Clean Power Plan rule, which requires fossil-fueled power plants, the largest single source of greenhouse gas emissions in the nation, to cut their emissions pursuant to the Clean Air Act.

"We cannot sit back and watch Washington derail the progress we have made in the recent past to address the issue of climate change. If Washington is not going to step up and recognize the crisis and find meaningful solutions, then it will be up to the states to do so," said Attorney General Kilmartin. "As a state that will incur significant negative impacts from global climate change, including sea-level rise and increased flooding, Rhode Island is committed to continuing the fight for common sense regulation of greenhouse gas emissions from power plants and other large emitters."

Holding Polluters Accountable

Attorney General Kilmartin and the Rhode Island Department of Environmental Management (DEM) filed a lawsuit against gasoline manufacturers to recover expenses associated with the cleanup of the gasoline additive Methyl Tertiary Butyl Ether (MTBE). The lawsuit, filed in United States District Court for the District of Rhode Island, addresses the ongoing environmental risk and long-term groundwater contamination arising from the oil companies' use of MTBE and the resulting expensive cleanup.

The lawsuit alleges that for many years, the defendants added MTBE to gasoline to increase its oxygen content. MTBE leaked from underground storage tanks and contaminated groundwater and soils throughout the United States, including Rhode Island. Research shows that MTBE's presence in drinking water, even at extremely low levels, poses serious problems for the State because MTBE can give water a strong turpentine-like taste and odor, its removal is costly, and it is considered a probable human carcinogen. The State of Rhode Island banned the use of MTBE in 2007,

businesses.

Rhode Island and many of the states in the coalition have previously worked together to protect the nation's air quality and fight against the effects of global climate change, including suing the Environmental Protection Agency (EPA) to force regulation of emissions of greenhouse gases from vehicles, refineries, and fossil-fueled electric power plants; defending federal rules controlling climate change emissions from large industrial facilities; and pushing for federal controls on emissions of the potent greenhouse gas methane from the oil and natural gas industries.

The coalition members have also intervened to defend the federal Environmental Protection



Attorney General Kilmartin giving the keynote address at the People's Power & Light annual meeting.

but MTBE continues to contaminate the State's groundwater.

"The State has incurred significant costs to remove MTBE from sites where it has leaked into soils and groundwater, costs that should not be borne by the State or by taxpayers but by the companies who knew that their product would cause this contamination," said Attorney General Kilmartin.

The State has named as defendants in the case all of the major oil companies that supplied MTBE-containing gasoline to the Northeast and Rhode Island, including ExxonMobil, British Petroleum, Chevron, Citgo, ConocoPhillips, Shell, Sunoco, Total, and Valero, among others.

Initiating Important Policy Discussions

Perhaps there is no policy issue of greater importance to the future of the State than the future of marijuana. Recognizing the need to bring together experts on the issues from states that have legalized medical and recreational marijuana, Attorney General Kilmartin in partnership with the Conference of Western Attorneys General and the Taubman Center for American Politics and Policy at Brown University, hosted a forum on marijuana policy in Rhode Island. The forum, entitled Marijuana Regulatory Policy: Lessons from Western States, featured presentations by government officials and industry leaders from states that have legalized recreational marijuana and medical marijuana.

"In Rhode Island, important public policy decisions are currently being considered regarding the legalization of marijuana for recreational and medicinal use. Before the state can seriously consider legalizing recreational marijuana, it is imperative to discuss the challenges of creating a robust regulatory framework for a new industry, the cost-benefit analysis of creating a government oversight structure and enforcement of the industry, and the integration of recreational marijuana with the current medical marijuana environment," said Attorney General Peter Kilmartin.

Legalization proponents are quick to mention the perceived financial benefits of the taxation of legalized marijuana and lead with a sense of urgency about getting into the game before neighboring states do; however, there is little to no discussion about the real and significant regulatory, public health, and law enforcement consequences of legalizing marijuana. Attorney General Kilmartin believed it was important to hear from people who are on the ground in states that have legalized recreational marijuana to get a firsthand account of the experience in those states.



Washington State Deputy Attorney General Darwin Roberts discusses challenges of the legalization of marijuana at Attorney General Kilmartin's Marijuana Policy Forum.

Kilmartin out front on debates over legalizing marijuana and fantasy sports betting



Attorney General Kilmartin spoke with the Providence Business News about important issues impacting Rhode Island.

"While a few states initially rushed to pass marijuana legalization laws, the new trend among states is a 'wait and see' approach, recognizing that there is too much at stake. By learning from and monitoring what takes place in Colorado, Washington, Oregon, and now Massachusetts, we can make a more educated decision on whether legalization of marijuana is right for Rhode Island," said

Kilmartin.

Attorney General Kilmartin filed legislation that would prohibit medical marijuana patients and caregivers from extracting THC from marijuana using a flammable liquid. The legislation would allow, however, compassion centers to extract THC using a flammable liquid only within rules and regulations to be promulgated by the Rhode Island Department of Health.

Butane has oil, also known as BHO or Shatter, that gets its name from the process from which it is made. BHO is created by drawing liquid butane through a tube stuffed with marijuana. Resin from the cannabis that contains THC is caught in the butane as it passes through the tube. The butane-resin mixture then enters a glass vial where the butane turns to gas, leaving behind only concentrated THC resin, which is then lit and smoked. The resultant butane gas, however, is highly flammable.

Leading Important Discussions on National Issues

As chair of the Eastern Region for the National Association of Attorneys General (NAAG), Attorney General Kilmartin was afforded the opportunity to choose a location and topic for the Eastern Region Meeting. As such, he chose the location to be Newport, R.I. and the topic to be the benefits of local, state, and federal governmental and non-governmental partnerships to deliver cost-effective services to constituents and to root out waste, fraud, and abuse in government programs.

With the realities of state budgets and the call from the public and policymakers to “do more with less,” attorneys general nationwide need to balance shrinking budgets and limited resources with carrying out the office mission. Forging partnerships with federal, state and non-governmental entities can be a cost-effective and innovative approach to delivering services.

“I was pleased to bring this meeting to Rhode Island, and with the robust discussion we had on how states can leverage traditional and non-traditional partnerships to better serve taxpayers,” said Attorney General Kilmartin. “Here in Rhode Island, we have seen firsthand the results of cooperative partnerships. Our partnership with the Rhode Island Department of Labor and Training to crack down on unemployment insurance benefit fraud has resulted in more than \$750,000 in court-ordered restitution since the program began in 2013. States can learn from this experiment and look to new and innovative partnerships to maximize resources and minimize duplication of services.”



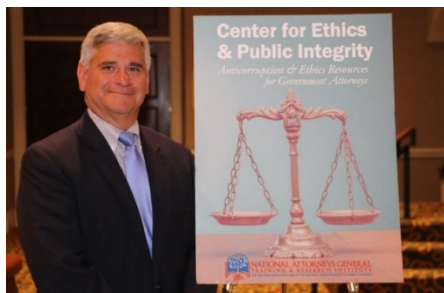
Attendees at the NAAG Eastern Region Meeting discuss how to create partnerships that benefit the taxpayer.



Attorney General Kilmartin hosted the National Association of Attorneys General Eastern Region Meeting in Newport in October.

Speakers included Commissioner Ronald Goldstock of the Waterfront Commission of New York Harbor and Deputy Assistant Secretary Alexander A. Arvizu with the U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, as well as representatives from AARP, Facebook, Hasbro Children’s Hospital, Intuit and AT&T. Discussions focused on best practices in how to create, execute and leverage effective public and private partnerships.

In addition to his position as chair of the Eastern Region, Attorney General Kilmartin serves as a member of NAAG's Criminal Law Committee. Building on his more than 20 years as a police officer and as the current attorney general, he was asked to participate in a panel discussion on 21st century policing and ways to help communities and law enforcement agencies across the country strengthen trust and collaboration, while continuing to reduce crime.



Attorney General Kilmartin helped launch the NAGTRI Center for Ethics and Public Integrity.

As chair of NAAG's Training and Research Institute, Attorney General Kilmartin worked with the Association to launch the Center for Ethics and Public Integrity. Its mission is to provide training, research, and technical assistance to government prosecutors involved in the fight against corruption, and to provide training and other resources on the ethical practice of law by government attorneys.

"Attorneys general are responsible for pursuing cases of public corruption in most states," said Attorney General Kilmartin. "As public servants, we need the Center's resources to help maintain an honest and open government."

The Center will also offer ethics courses designed for both civil and criminal government attorneys, covering topics including discovery and ethically navigating media and other scrutiny in high-profile cases.

38 Studios Investigation

In July, Attorney General Kilmartin and former Rhode Island State Police Colonel Steven O'Donnell provided a lengthy status of the criminal investigation into the 38 Studios matter.

The goal of the Rhode Island State Police and Rhode Island Office of Attorney General's investigation into the funding and failure of 38 Studios was not to create the definitive history of how the legislation to fund 38 Studios came to be, why that business failed, who made poor business or political decisions along the way, or who, if anyone, should be civilly liable for their action or inaction.

Rather, the very narrow focus was to determine whether the actions of any person or persons violated any criminal provisions of the Rhode Island General Laws.

Forgoing the long, embattled history of 38 Studios, the focus of this section will be on the investigations by the Rhode Island State Police, the Office of Attorney General, the United States Attorney's Office, and other law enforcement agencies, and the determinations from those investigations once 38 Studios closed its doors and declared bankruptcy on June 7, 2012.

A criminal investigation into various aspects of the failure of 38 Studios was initiated by the Rhode Island State Police and by the Federal Bureau of Investigation.

The federal aspect of the investigation was narrowly focused upon potential violations of federal law, including criminal bank fraud. During the course of this phase of the investigation, 15 federal subpoenas were issued to public or private entities and five individuals were interviewed.

On September 24, 2012, the United States Attorney and the Federal Bureau of Investigation concluded their portion of the investigation after determining that the process to obtain related loans did not violate federal criminal laws.

Materials generated by this initial phase of the investigation were turned over to the Rhode Island State Police, which continued to review transactions related to 38 Studios to determine if state criminal laws had been violated. A civil investigation and subsequent lawsuit was and is independent of the criminal investigation.

At that time, the Rhode Island State Police and the Rhode Island Attorney General considered the various investigative tools available through which to pursue this investigation. The most critical issue was whether or not to utilize the grand jury. It was determined to continue with the path initially utilized in the investigation by the United States Attorney which was to pursue the investigation through the grand jury.

The State of Rhode Island has a grand jury system consisting of county grand juries as well as a Statewide Grand Jury. The grand jury must be utilized to indict a defendant who is charged with an offense for which the maximum punishment is life in prison, but it may be utilized to determine criminal wrongdoing in other types of cases as well. The Statewide Grand Jury is typically used to investigate cases requiring presentation of many witnesses.

Although use of the grand jury is an effective and powerful investigative tool, it is not, by design, a transparent institution. There are a number of statutes and rules regulating the grand jury process generally, and the secrecy of that process specifically. In addition, the United States Supreme Court, as well as lower courts, have affirmed the principle of grand jury secrecy.

The utilization of the Grand Jury in this process had two distinct phases. Initial subpoenas were issued by a sitting Statewide Grand Jury.

The presentation of matters related to the investigation of 38 Studios to the Statewide Grand Jury began on October 15, 2012, with the Statewide Grand Jury issuing subpoenas to various entities at the request of an investigator from the Rhode Island State Police Financial Crimes Unit.

Typically, subpoenas from the Grand Jury are issued for documents and other business records. A person or business in receipt of a Grand Jury subpoena has the opportunity to contest production of records through the timely filing of a “motion to quash” the subpoena. In the absence of the granting of such a motion, records are generally returned to the Grand Jury in approximately 30 days. A total of 21 subpoenas were issued by the Statewide Grand Jury.

In December, 2013, the State Police and Office of Attorney General were prepared to bring testimony by witnesses to the grand jury.

The Statewide Grand Jury sits for an initial term of six months, which may be extended for two additional six-month terms. A Statewide Grand Jury, by rule, can only sit for a maximum term of 18 months. The Grand Jury in this investigation that heard substantive testimony was sat in December, 2013, served the initial six months plus two extensions, sitting for a total of 18 months, ending in July, 2015.

In total, 146 people were interviewed in connection with the criminal investigation, many whom were interviewed more than once.

While conducting the criminal investigation, the State Police and Attorney General’s Office were mindful of the ongoing civil litigation filed by the Rhode Island Economic Development Corporation in Providence County Superior Court, as well as an action filed by the Securities and Exchange Commission.

In September 2015, the judge overseeing the civil litigation ordered depositions of numerous witnesses in the civil litigation released. Although the criminal investigation of this matter was largely completed at the time, investigators reviewed all publicly available depositions to ensure that none contained evidence of criminal conduct not previously known to law enforcement. After a time-consuming and extensive review, it was determined that no criminal conduct was disclosed through those documents.

While the civil litigation continued, the criminal investigation revealed no evidence of criminal wrongdoing in connection with the legislative passage of the “Job Creation Guaranty Program” nor in the distribution of the loan to 38 Studios by the Economic Development Corporation.

The Attorney General and Rhode Island State Police reported that while there was no criminal wrongdoing determined as a result of the investigation, the matter would remain open, albeit inactive, while the civil litigation was pending, the investigation by the SEC was ongoing, and the statute of limitations on white collar crimes remained relevant.

In 2017, the last defendant settled in the civil litigation. With litigation complete, Attorney General Kilmartin sought the assistance of the Rhode Island State Police to petition the Court to gain access to the tens of thousands of pages of discovery from the civil litigation to review to determine if any of it was relevant to the criminal investigation.

The Rhode Island State Police responded that the agency would no longer commit any resources to the investigation and that the agency considered the investigation “closed.” As such, the Attorney General had no other choice but to declare the investigation closed, stating, “Without the investigative resources of the State Police, however, it is fruitless to pursue these paths alone.”

Since the close of the investigation, which resulted in no criminal charges filed, there has been a push by some to release the investigative material presented to the grand jury, as well as transcripts of the grand jury proceedings themselves, in contradiction to long-standing Grand Jury rules and procedures. The Governor, with support from the ACLU, filed a motion in Rhode Island Superior Court in March, 2017. After written briefs and oral arguments, Presiding Justice Alice B. Gibney ruled, denying the petition to release the material and transcripts.

In her decision, Justice Gibney ruled the Governor “failed to demonstrate a particularized need,” had “not met her burden of demonstrating that the need for disclosure outweighs the need for secrecy,” and that “allowing public clamor to justify disclosure would cause the exception to swallow the rule, namely release documents based on mere public interest in grand jury proceedings would entirely defeat the purpose, and role, of the grand jury.”

At the time of publication of the Annual Report, the Governor had filed an appeal of the Superior Court decision to the Rhode Island Supreme Court.

Improving Customer and Constituent Service

With more than 300 individuals daily seeking state and national background checks from the Office, Attorney General Kilmartin initiated, for the first time, credit card payment for improved customer service.

“Our BCI window is one of the busiest points of service for constituents in the State, serving approximately 300 people each day for state or national background checks. Allowing constituents to pay with credit and debit cards expedites the process, and allows the public to get on their way faster,” said Attorney General Kilmartin.



The BCI Mobile Unit visited several locations across the state to assist consumers in need of state and national background checks.

Attorney General Kilmartin also announced the construction of a customer service center to be built in Cranston, R.I. The new facility, funded entirely by forfeiture funds from a settlement with Google Inc., will be built on the grounds of the state's Howard Complex and will offer plenty of free parking, and is directly on a RIPTA bus line.

"Our current location offers little parking and even less lobby space. As people increasingly need background checks for employment, we have outgrown the ability to properly service the hundreds of constituents we see each day. Building this new customer service center, at no cost to the taxpayer, will allow us to better serve our constituents," said Attorney General Kilmartin.

To alleviate pressure at the BCI window during the busiest times of the year, the Office of Attorney General once again provided remote background check services across the State.

Staff Excellence



Special Assistant AG Kimberly Ahern receiving a Women of Achievement award from YWCA Rhode Island.

The Office of Attorney General has some of the brightest and hardest-working staff in Rhode Island. Day in and day out, attorneys, investigators, and support staff work tirelessly to ensure that justice is served for Rhode Islanders. It is this dedication, time, and commitment each employee puts into a criminal case, a consumer question, or a civil lawsuit that makes the Office of Attorney General a state agency of which the citizens of Rhode Island can and should be very proud.

While the employees do not expect any special recognition for the work they do every day, it is very gratifying when they are honored for their efforts.

Shannon Signore, Special Assistant Attorney General and Chief of the Child Abuse Unit, was chosen to serve as the first Beau Biden Foundation fellow. In that capacity, Ms. Signore worked on child protection issues and policies in the Washington, D.C. office of the National Attorneys General Training and Research Institute, a branch of the National Association of Attorneys General.

The fellowship is named for Beau Biden, who served as Delaware attorney general from Jan. 2, 2007 to Jan. 6, 2015, and passed away in May 2015. While he worked to combat identity theft, street crime and elder abuse, his biggest priority during his two terms was protecting children.

Special Assistant Attorney General Kimberly Ahern received a Women of Achievement award from the YWCA Rhode Island. Ms. Ahern was selected for her professional work and public service, as well as her skills as a leader, role model, mentor, and an agent for positive change.

The Rhode Island chapter of Mothers Against Drunk Driving (MADD) honored Assistant Attorney



Ana Giron was named Victim Advocate of the Year by MADD-Rhode Island.

General Stephen Regine as prosecutor of the year and Ana Giron, chief of the Victim Services Unit, as victim advocate of the year. Both were recognized for their efforts in stopping impaired driving, supporting victims, and preventing underage drinking.

Assistant Attorney General and Chief of the Domestic Violence and Sexual Assault Unit Daniel Carr Guglielmo and Special Assistant Attorney General Katelyn Revens were honored at the Providence Police Department's Commendation Ceremony for their work with victims of domestic violence.



Assistant AG Stephen Regine honored by MADD-Rhode Island.

Giving Back to the Community

A core tenet of the Office of Attorney General is the belief that it is important to give back to the community. The Office's 231 employees donate their time and money to countless charities, participate in community events to raise awareness of causes that are important to them, and lend a hand whenever asked.



Attorney General Kilmartin at the Kids, Cops & Classrooms event.

Staff from the Office of Attorney General regularly volunteer for the Rhode Island Special Olympics. By holding regular "dress-down days" to raise money, the Office has contributed thousands of dollars to local charities, including the Special Olympics, the Gloria Gemma Breast Cancer Research Foundation's Starfish Project, and the Rhode Island Society for the Prevention of Cruelty to Animals. The Office hosts regular blood drives to support the Rhode Island Blood Center, holds an annual winter coat drive to support the Neighborhood Alliance of Pawtucket, and collects non-perishable food items throughout the year to support the Rhode Island Community Food Bank, just to name a handful of initiatives.

In addition to raising funds for numerous charitable organizations, staff from the Office of Attorney General donated school supplies for needy children as part of Kids, Cops & Classrooms initiative and collected toys for the annual Kids, Cops & Christmas event.

Honoring Others

Each year, Attorney General Kilmartin joins law enforcement partners to honor individuals and organizations committed to providing support and resources for victims at the Victims Grove Ceremony as part of National Crime Victims' Rights Week.

"For victims of crime, the effects may last long after the actual incident, and the process of rebuilding can be long. As this year's theme indicates, serving victims involves building trust. The compassion and dedication of the individuals we honor have given hope to countless victims of crime, and I am humbled to recognize their contributions," said Attorney General Kilmartin.



Attorney General Kilmartin and Jami Oullette, who lost her sister to domestic violence, lay a wreath to honor all victims of crime at the Victims Grove Ceremony.

The 2016 honorees included Rhode Island Deputy Sheriff Edward Cooper and Angel Cooper who helped apprehend a murder suspect and gave aid to the victim; Providence Police Detective Koren Garcia for her work to investigate sex crimes and human trafficking; Rebekah Snyder who serves as a Volunteer Helpline Advocate with Day One; and Alliance Security for providing victims and survivors of domestic violence with free home alarm systems, installing them at no cost and providing free monitoring for one year.

In carrying on a tradition by a former administration, Attorney General Kilmartin recognizes individuals and organizations for their commitment to justice and the community. Known as the Justice Awards, each is presented in honor of one of the eight previous Attorneys General: Arlene Violet, Richard Israel, Herbert DeSimone, Dennis Roberts, James O'Neil, Jeffrey Pine, Sheldon Whitehouse and Patrick Lynch.



WPRI-TV Call to Action reporter Susan Campbell accepts her Justice Award from former Attorney General James O'Neil.

“We have a lot to celebrate in Rhode Island, especially the many people who work and volunteer to make the state a better, safer place,” said Attorney General Kilmartin. “Each of this year’s recipients quietly do great work and have a positive impact on our community, never expecting to be recognized or asking for anything in return. And, that is exactly why they deserve to be honored.”

The 2016 Justice Award recipients included Susan Campbell, WPRI-TV Call to Action reporter; Rhode Island State Police Trooper Anthony Washington, The Rhode Island State Victim Assistance Academy, People’s Power & Light, Warwick Police Detective David Verity, Providence Police

Detective Brian Dyer, Rhode Island Deputy Sheriff Edward Cooper, former State Representative Eileen Naughton, and the late Patritia Santos.

HISTORY

The Office of Attorney General was first created in Rhode Island in May 1650. Since its inception, the Office has been an elected position, except for a brief period from 1740 to 1742 when the charter allowed for the appointment of a king's attorney for each county. In 1842 the Rhode Island Constitution formally adopted the Office of Attorney General.

The Office, established under the Rhode Island Constitution, is one of the five general officers subject to election by voters. The powers and duties of the Attorney General are derived from Article IX, Section 12 of the Constitution of the State of Rhode Island, Chapter 9 of Title 42 of the General Laws of Rhode Island, as amended, and the Common Law.

Attorney General Peter F. Kilmartin is the 73rd person to serve in this role.

Major Responsibilities

The Attorney General is the top legal official in Rhode Island. As the state's top prosecutor, the Attorney General fights to enhance the economic security of Rhode Island, protect the public safety of our communities, and restore the public trust in state government.

As the central legal agency of the state, the Office of Attorney General is responsible for prosecution of all felony criminal cases and misdemeanor appeals, as well as prosecution of misdemeanor cases brought by state law enforcement agencies.

Additionally, as chief legal officer of the state, the Attorney General represents all agencies, departments, and commissions in litigation, and initiates legal action where necessary to protect the interests of Rhode Island citizens.

The Office of Attorney General is also charged with operating and maintaining the Bureau of Criminal Identification, which is the central repository for all criminal records in the state.

EXECUTIVE AND ADMINISTRATIVE DIVISIONS

The Executive and Administrative divisions of the Office of Attorney General consist of the Attorney General, Deputy Attorney General, Chief of Staff, Director of Administration, and support staff. The divisions provide the general management and direction for the Office and implement policies, programs, and legislation aimed at keeping Rhode Island communities safe and secure.

Deputy Attorney General

The Deputy Attorney General serves as the principal advisor to the Attorney General on all legal and administrative matters. The Deputy oversees the development and implementation of policy and serves as liaison between the Attorney General and all department staff and program officials. Gerald Coyne, Esq., has served as Deputy Attorney General since 1999 and has served in that capacity under three Attorneys General.

Administration Division

The Administration Division's role is to provide a seamless support functionality to ensure the overall mission and mandates of the Office continue without disruption. The Director of Administration is responsible for all financial operations, including the preparation and submission of the annual budget, monitoring and controlling expenditures, supervising the personnel office, information technology, operations, and fiscal office; and lobbies for the resources necessary for efficient operations of the entire Office.

The total budget for fiscal year 2016 (FY16), ending June 30, 2016, was \$29,455,187. It consisted of \$24,053,485, or 81.66 percent, in state general revenue funding; \$2,034,144, or 6.91 percent, in federal grants; \$3,185,088, or 10.81 percent, in restricted receipts; and \$182,470, or .62 percent, in other revenues.

The Office of Attorney General's spending for FY16 for all accounts is broken down as follows: personnel salary and benefits \$24,418,103, or 82.9 percent; contracted services of \$1,502,123, or 5.1 percent; other state operational costs of \$2,162,190, or 7.34 percent; and capital improvements of \$1,372,771, or 4.66 percent.

In 2016, the office expended some of the so-called "Google" settlement funds to improve the operations of the Office, at no cost to the taxpayer. Among the projects fully funded by the Google settlement since 2013 are the acquisition, renovation, and operational maintenance of an adjacent property which houses the Office's Civil Division and Medicaid Fraud and Patient Abuse Unit; the construction of a new data center; improvement and enhancement of the Office's information technology infrastructure; updates to the state's criminal history repository; and the development of a new customer service center which will house the Consumer Protection Unit, the Bureau of Criminal Identification, and the Diversion Unit.

In FY2016, the budget provided for 235.1 full-time equivalent positions:

Executive and Administration	21.0 employees
Criminal Division	149.1 employees
Civil Division	44.0 employees
Bureau of Criminal Identification	21.0 employees

The Office of Attorney General is committed to maintaining a diverse workforce. As of June 30, 2016, the last official reporting period, minorities constituted 13 percent of the staff and women constituted 60 percent.

The Executive Division also manages the Scholastic Internship Program, in which 150 college-age and high school-age students participated in 2016. The program is a valuable on-site learning experience for the students, as well as a critical resource for the department, whose employees annually log approximately 20,000 hours of uncompensated overtime for the people of Rhode Island.

The Fiscal Office assists in the financial operations of the Office of Attorney General, including the submission of the annual budget, monitoring and controlling expenditures, processing state paperwork such as purchase requisitions and purchase orders, travel and invoice vouchers, maintenance and service contracts, all grant and MOU reporting, and all other budget-related transactions. The fiscal office also handles payroll submission, accrual and discharge of vacation, sick, and personal hours, and payroll adjustments.

The Operations Office handles all the existing facilities operated by the office, including but not limited to our offices located in Newport, Washington, and Kent County, Traffic Tribunal, Garrahy and Licht Judicial Complexes, our main offices located at 150 and 180 South Main Street in Providence, and the customer service center being constructed at 4 Howard Avenue, Cranston, in the Pastore Complex.

The Human Resources and Benefits Office processes all personnel actions and facilitates the employee benefits offered through the State throughout the employment cycle for the Office's employees.

The Information Technology Office is responsible for all technological devices and operating systems used to facilitate the work flow and work products maintained in each functional division.

2016 marked a significant year for improvements to the Office's information technology systems including the implementation of a mobile fingerprinting solution to allow for the remote use of the LiveScan machines, which provides greater customer service for those needing national background checks.

In addition, the Office underwent an office-wide infrastructure refresh including the buildout of a data center and the introduction of virtual desktops for employees, and a cloud-based operating system, enhancing productivity for attorneys and support staff.

Other projects included dedicated switches and connections, improving the speed and security of the Office's information technology system.

BUREAU OF CRIMINAL IDENTIFICATION

The Bureau of Criminal Identification (BCI) serves as the central repository and clearinghouse for all demographic information on individuals arrested as well as court dispositions of crimes in Rhode Island. In addition, BCI provides state and national background check services to the public, reviews and issues licenses for concealed carry permits in the state of Rhode Island, and maintains multiple law enforcement databases, including the Rhode Island Criminal History System (RICH), the Restraining Order and No Contact Order (RONCO) database, Criminal Automated Fingerprint Identification System (CAFIS) and License and Sales Tracking System (LSTS) database for precious metals.

As of December 31, 2016, the RICH database maintains the criminal history records of 294,101 individuals and approximately 1.25 million arrest charges. Last year, 32,650 civil fingerprints were processed by the Attorney General's CAFIS team.

In Rhode Island, information is primarily gathered through CAFIS, a national fingerprint and criminal history system that responds to requests 24 hours a day, 365 days a year, to help local, state, and federal law enforcement partners, as well as our own investigators, to solve and prevent crimes. CAFIS provides automated fingerprint search capabilities, latent search capability, and electronic image storage.

Law enforcement agencies submit fingerprints and other identifying information via Live Scan machines. The information is transmitted via a dedicated, secure network to the FBI, where it is checked against more than 50 million records. Information is then transmitted back via the secure network to the submitting law enforcement agency. The information is also automatically entered into the Rhode Island Criminal History (RICH) database maintained by BCI. The CAFIS system and the RICH database automatically share and update information in real time as it is electronically or manually entered.

RICH is fingerprint supported only, meaning if there are no fingerprints submitted, an arrest record cannot be maintained. CAFIS captures fingerprints, as well as information such as corresponding criminal histories, mug shots, scars, marks and tattoos, photos, physical characteristics (height, weight, hair and eye color), and aliases. The system is also utilized for civil employment purposes as dictated by Rhode Island statutes.

In 2016, the Office upgraded the CAFIS system and created the Applicant Processing System (APS). The CAFIS system upgrades included enhancements that were required to allow the Office to correspond with the FBI's Next Generation Identification upgrade. This upgrade also included Rhode Island obtaining its own separate CAFIS database which previously was shared with the state of Connecticut.

The APS System was created to allow applicants in long term care, adult day care and home healthcare to be registered through their prospective employer, issued a registration number and then come into our office to be fingerprinted. All results are electronically delivered which in turn makes the process more efficient for all.

The BCI Unit is responsible for maintaining the accuracy of the information in the RICH database gathered through the CAFIS from the time of arrest to the culmination of the criminal proceeding. As such, the BCI Unit enters criminal case disposition information received from prosecutors and

the Rhode Island Judiciary into the RICH database system, which automatically updates the FBI system. Last year, 21,467 dispositions were entered into the system by BCI personnel.

Rhode Island General Law §12-1-12 directs that those authorized to collect identifiers of persons arrested shall destroy them within 60 days after the accused has been acquitted or otherwise exonerated. Further, Rhode Island General Law §12-1.3 calls for the expungement of criminal records when certain criteria have been met. The BCI Unit manually processes all expungements and ensures the charge(s) is removed from the individual's criminal history once notified of the expungement, and notifies the FBI to remove the charge(s) out of its database. In 2016, approximately 8,172 expungements were processed.

Criminal Record Requests

One of the major functions of the BCI Unit is responding to individuals requesting criminal history checks. Due to increased security measures in both the private and public sectors, the need for employment background checks continues to rise. On average, in 2016, personnel at the BCI window in Providence served more than 300 people each day, Monday through Friday. In addition, BCI personnel respond to thousands of Rhode Island state background check requests received annually by mail. In 2016, the BCI Unit generated approximately \$321,470 in Rhode Island state background check fees (\$5.00 each).

There are several Rhode Island statutes which mandate that individuals seeking employment or licensing in specified fields are subject to a nationwide criminal history background check.

Pursuant to the statutes, individuals seeking employment or licensing may respond to their local police department, the Rhode Island State Police, DCYF or the Office of Attorney General, to obtain a fingerprint-based national background check. Upon receiving the information from the FBI, BCI personnel notify the employer/agency whether the applicant is qualified or disqualified for the employment or licensure.

During 2016, BCI personnel processed 32,650 national background checks for various employment and licensing requirements, including school applicants, nursing licenses, security guards, Twin River and Newport Grand employment, and medical marijuana caregivers, among others.

Restraining Orders/No Contact Orders

Rhode Island law specifies that all domestic violence and sexual assault protective orders must be filed in the Restraining Order/No Contact Order (RONCO) system located within the Attorney General's BCI Unit. Orders generated by District, Superior, and Family courts, police departments, and bail commissioners must be filed upon issuance by faxing, entering them through the interface system or delivering such orders to the BCI Office no later than the end of the day they were issued. Modifications and terminations of such orders must also be forwarded to BCI and entered by the end of each day. In 2016, BCI staff entered 11,175 temporary restraining orders/restraining orders and no contact orders into the database. In addition, BCI personnel verifies the accuracy of the information contained in the RONCO monthly.

Warrants

Since converting to an electronic warrant system, the courts and police departments enter their warrants into the Rhode Island Law Enforcement Telecommunications System (RILETS). Warrants for those wanted outside the state of Rhode Island (New England area or nationwide)

must be entered and cancelled manually by BCI personnel. On occasion, local warrants may be upgraded as additional information is received on the wanted individual and the warrant is extended from “RI only” to New England or nationwide.

During the course of the year, BCI was responsible for the arrest of 93 individuals who had an outstanding warrant and appeared in the Office for BCI record checks.

Pistol and Revolver Permits

Under Rhode Island General Law §11-47-18, the Attorney General may issue a license or permit to state residents 21 years of age or older to carry a pistol or revolver, whether concealed or not, upon a proper showing of need. In assessing the need of an applicant to carry a pistol or revolver, the Office also considers the issuance of a restricted permit for specified purposes.

As of December 31, 2016, there were 2,612 active pistol permits in Rhode Island issued by the Office of Attorney General. During calendar year 2016, a total of 452 pistol and revolver permit applications were processed, of which 103 were new applications and 349 were renewals.

Security Guard Licensing

Under Rhode Island General Law §5-5.1-13, the Attorney General is responsible for the licensing of private security guard businesses. The obligation is set forth in the Rules and Regulations established pursuant to the Private Security Guard Act of 1987. Federal guidelines now require that all security guards be fingerprinted for a national background check. BCI is charged with ensuring that all security guard companies, their employees, and management personnel comply with the Act. Presently, BCI has 88 active security guard business licenses on file, with 40 licenses being issued (new and renewal) in the year 2016.

Precious Metals Unit Background & History

The Office of Attorney General maintains the License and Sales Tracking System (LSTS) database which captures information from the sales of precious metals and the pawn transactions. This database is a completely electronic system which allows data to flow more quickly, resulting in it being a timelier and effective tool for law enforcement to utilize.

The LSTS database contains an assortment of jewelry which includes chains, bracelets, rings, earrings, and watches. It also holds tools such as drills, saws, generators, chainsaw and electronic equipment including computers, laptops, DVD players, and cellphones.

In the year 2016, there were 89,892 sales transaction slips containing precious metals and pawned items which were electronically entered into the LSTS database. As of December 31, 2016, there are over 1.83 million precious metals and pawned items in the LSTS database.

The LSTS database is a critical law enforcement tool that aids police in the recovery of stolen jewelry and other precious metals. At the present time, the database is being accessed by 434 police officers representing Rhode Island police departments, as well as Southern Massachusetts and Connecticut police departments, and federal agencies. The growth of access continues to increase as more out-of-state police departments learn about this valuable law enforcement tool that enables investigators to search by item description, date of transactions, dealers, and sellers.

Precious metals/tools and electronics licenses are reviewed and issued through the Precious Metals Unit. National background checks are conducted on all precious metals and pawn shop

agents and employees. Regulated metal licenses are also issued by the Precious Metals Unit. As of December 31, 2016, there are 117 active precious metals licenses issued by the Attorney General's Office.

CIVIL DIVISION

By law, the Attorney General represents the State, its agencies, and employees in the Rhode Island Supreme Court and all lower state courts; institutes actions in state and federal courts whenever warranted; ensures that representation is provided to state officers, employees and agencies in all courts; advises state officers and agencies on legal issues; gives written opinions on legal issues when requested by an appropriate governmental officer; and represents the interests of the people. In 2016 the Civil Division opened 1,058 new matters and closed 1,442 files.

Antitrust Unit

The Antitrust Unit investigates complaints alleging violations of state and federal antitrust laws within the state of Rhode Island. Because of their complexity and the large amount of discovery, the Attorney General investigates many matters as a member of the National Association of Attorneys General Antitrust Task Force and through various multistate working groups.

The Rhode Island Antitrust Act, enacted by the General Assembly in 1979, gives the Attorney General the statutory authority to institute suit against persons, corporations, and other legal entities that are in violation of state or federal antitrust laws. The Act applies to all types of economic activity having an impact on trade or commerce in Rhode Island adequate to support the jurisdiction of the Superior Court. The Act contains analogues to Sections 1 and 2 of the federal Sherman Act and Section 3 of the federal Clayton Act.

During 2016, the Antitrust Unit participated in multistate investigations of possible antitrust violations in the pharmaceutical industry, the healthcare industry, the information technology industry, the agricultural industry, matters involving the rights of indirect purchasers, industries that use vertical restraints, the credit rating industry, and the gasoline industry. The Attorney General, in cooperation with other states and the Federal Trade Commission, also participated in investigations of proposed mergers.

Charitable Trust Unit

The Attorney General has the statutory and common law duty to protect charitable assets within the State of Rhode Island. The Charitable Trust Unit supervises and enforces laws and regulations concerning charitable trusts and restricted funds, and administers approximately six hundred trusts containing over a half billion dollars in charitable assets. The Charitable Trust Unit enforces statutes concerning the administration, operation, and disposition of Rhode Island charitable trusts. The Unit maintains a database of all registered trusts and is responsible for representing the public interests in court proceedings involving charitable assets. The Unit also responds to inquiries regarding charitable trusts from trustees, accountants, attorneys, charitable beneficiaries, and the public.

In 2015, the Attorney General participated as amicus curie in the litigation entitled *Congregation Jeshuat Israel (CJI) v. Congregation Shearith Israel (CSI)*, U.S.D.C. for the District of Rhode Island, No. 12-822M. The crux of the litigation involved the ownership of a set of Colonial era finials, or rimonim, created by the famous silversmith Myer Myers. A secondary issue was whether the building known as Touro Synagogue, located in Newport, Rhode Island, is held in a charitable trust, and if so, for the benefit of whom. The Attorney General submitted an amicus brief taking the position that the Touro Synagogue is held in a charitable trust for the benefit of the “Jewish Society of Newport.” As to the rimonim, the Attorney General took the position that ownership

of therimonim was a private property dispute, therefore, outside of the Attorney General's jurisdiction as Administrator of Charitable Trusts.

On May 16, 2016, the Court entered judgement for CJI. The Court found that CJI is the owner of therimonim, that Touro Synagogue is held in charitable trust for the purpose of public Jewish worship, and ordered the removal of CSI as trustee and appointment of CJI as trustee of the Touro Synagogue charitable trust. CSI appealed the decision to the U.S. Court of Appeals for the First Circuit. The Attorney General filed an amicus with the First Circuit, which had not scheduled a date for a hearing by the end of the year.

Civil Rights Advocate

The duties and responsibilities of the Civil Rights Advocate include training and education, reviewing complaints, conducting investigations, and bringing civil actions under the Attorney General's Civil Rights Advocate statute, R.I. General Laws § 42-9.3-1.

To file suit, the statute requires use of force or violence, property damage, or the threat thereof, which interferes with federal or state constitutional or statutory rights. If such facts and circumstances are present, the Attorney General may bring a civil action in the name of the state on behalf of the person(s) aggrieved, seeking an injunction, monetary penalty up to \$5,000, and other appropriate relief.

In 2016, the Office continued its long-standing Hate Crimes and Civil Rights Training for Law Enforcement. The Office provided training for 182 individuals, as follows: 94 recruits at the R.I. State Police Academy and R.I. Municipal Police Academy and 88 officers from statewide police departments and Brown University.

The Office continues to work with the R.I. Commission on Prejudice & Bias to establish an education program for children in middle school and, eventually, high school. The long-range plan is to educate teachers, administrators, and students on issues of hate crime and civil rights in schools with the goal to make schools safer and foster education, tolerance and civic responsibility.

Consumer Protection Unit

The Consumer Protection Unit investigates and mediates consumer complaints concerning unfair and unlawful business practices and misleading advertising arising out of alleged violations of the Deceptive Trade Practices Act. If groups of people are victimized by a deceptive trade practice, the Attorney General may file a civil investigative demand in Superior Court commencing a formal investigation. In appropriate cases, a lawsuit to stop the illegal business practice may be initiated.

In 2016, the Consumer Protection Unit responded to 5,700 phone and email inquiries. These inquiries led to 1,330 written complaints. The Consumer Protection Unit also recovered approximately \$300,000 on behalf of individual consumers and more than \$110,000 for the state through multistate settlements.

In addition to carrying out its statutory responsibilities, the Unit provided information and referral services to the public. Last year, hundreds of consumer complaints were referred to appropriate governmental or private agencies for help in answering specialized questions or resolving disputes that were not within the Attorney General's jurisdiction. The Unit also

registered telemarketers, resulting in \$3,200 in fees for the state in 2016, and registered health clubs, resulting in \$4,800 in fees.

The Consumer Protection Unit provided 78 outreach presentations to approximately 1,400 residents at senior centers, community groups, and organizations throughout Rhode Island to educate and protect Rhode Islanders from scammers.

In addition, multiple consumer alerts and advisories were issued during 2016. The advisories alerted consumers to data breaches, informed them of consumer settlements, provided smart shopping tips, and educated consumers about several persistent scams, including the “IRS” scam, the “Grandparent” scam, the “National Grid” scam, and the “Windows Support” scam, among others.

The Office partnered with Doc Shredding Corp. and provided nine free shredding events throughout Rhode Island to provide a safe way for consumers to discard documents and avoid possible identity theft issues.

Environmental Advocacy Unit

The Environmental Advocacy Unit employs a community-based legal approach to achieve a healthful environment for present and future Rhode Islanders. The Unit’s mission is vigorous enforcement of environmental laws, securing public access to the Ocean State’s shore and other natural areas, promoting sound implementation of state and federal environmental statutes, and defending against unjust claims by polluters.

Included within the Unit is the Environmental Advocate. Under Rhode Island General Law §10-20-3, the Environmental Advocate, as directed by the Attorney General, serves the public by means of independent litigation, policy recommendations, and outreach.

The year 2016 saw major activity in the areas of air pollution control, the fight against climate change, groundwater protection, toxic clean-up, water pollution control, removal of navigational hazards, historic preservation, and shore and trail access.

The Unit worked with a multi-state coalition on a coordinated investigation of Volkswagen’s and Porsche’s admitted evasions of emissions controls in its 2009-2015 model diesel vehicles. In June 2016, the Environmental Unit finalized a partial settlement with Volkswagen to mitigate damage to the environment in which Rhode Island will receive \$13.5 million to promote low-carbon fuels for vehicles, such as electricity, compressed natural gas and propane.

The Unit intervened to uphold the Environmental Protection Agency’s Clean Air Act standards for existing power plants. The Clean Power Plan would reduce greenhouse gas emissions. As the year opened, the Supreme Court of the United States imposed an unusual stay on the regulations, something that Attorney General Kilmartin actively resisted. Despite that setback, the matter is still awaiting a decision before the D.C. Circuit Court of Appeals. In further support of the Clean Power Plan, the Attorney General and the attorneys general of 13 states sent a letter to then President-elect Trump on December 28, 2016, explaining the significant economic costs inflicted by unchecked rising sea-levels.

Attorney General Kilmartin filed a lawsuit against 34 gasoline companies to recover expenses associated with the clean-up of the gasoline additive Methyl Tertiary Butyl Ether (MTBE). The lawsuit, filed in United States District Court for Rhode Island, addresses the ongoing environmental risk and long-term groundwater contamination arising from the oil industry’s use of MTBE and

addresses the resulting expensive cleanup.

In a series of enforcement cases, Attorney General Kilmartin protected the State's groundwater against solid and hazard waste by enforcing clean-up requirements in several cases.

In the still unresolved multi-faceted matter of Rhode Island Recycled Metals, the Unit's advocacy led to the appointment of a Special Master and the imposition of the requirement that the site-operator post security to assure the removal of sunken vessels.

Finally, the Unit is following through on now-completed clean-up of the notorious Davis Tire Pile. In an effort to recoup \$2.8 million in state remedial response funds incurred in the decades-long cleanup of the Davis Superfund site in Smithfield, the Office continues to search for assets in order to collect the judgment.

Health Care Advocate

The Health Care Advocate represents Rhode Islanders through the following duties that the Attorney General may direct: to appear as an amicus curiae in civil actions, to intervene in or request initiation of administrative action related to health care and health insurance, to investigate complaints to assure the delivery of quality health care, to educate the public, to engage in legislative advocacy, to initiate formal legal actions concerning health care, and to advocate for changes to support quality and affordable health care. Many patients, family members, and providers turn to the Health Care Advocate for assistance.

The Health Care Advocate is appointed to or attends several health care-related boards and committees, and reviews proposed regulations and legislation. The Health Care Advocate also assists consumers with various issues, including access to medical records, privacy questions, and assistance with navigating the various agencies governing health care complaints.

Within the past year, the Office of the Health Care Advocate processed the Expedited Review Hospital Conversions Initial Application of Yale New Haven Health Services Corporation and Lawrence + Memorial Corporation, which owns LMW Healthcare, Inc., d/b/a the Westerly Hospital. A Decision pursuant to the Hospital Conversions Act was rendered on September 1, 2016. Hospital conversion reviews involve a substantial amount of work, including document review, conducting interviews, and holding public meetings.

In addition, the Health Care Advocate is charged with enforcing compliance with decisions made pursuant to the Hospital Conversions Act. Currently, the unit is monitoring decisions involving the following entities: Landmark Medical Center and Rehabilitation Hospital of Rhode Island, the Westerly Hospital, the Memorial Hospital and Roger Williams Medical Center and Our Lady of Fatima Hospital. These hospital conversion decisions all include certain conditions of approval which the Office of the Health Care Advocate is monitoring.

Insurance Advocacy Unit

The primary function of the Insurance Advocacy Unit is to represent, protect, and advocate for the rights of consumers at insurance rate hearings and in the insurance marketplace pursuant to Rhode Island General Laws § 27-36-1. In addition, many people turn to the Insurance Advocate to assist them with insurance-related issues, such as denials of payment for treatment, access to medical treatments and procedures under their policies of insurance, and other rights under their various policies of insurance and Rhode Island laws.

The role of the Advocate in connection to rate change requests for insurance providers is to independently evaluate the validity of the rate increase requests, and when appropriate, recommend alternative rates to the regulatory agency.

During 2016, the Unit represented the rights of Rhode Island citizens in connection with one rate filing that was heard in a public hearing before the Office of Health Insurance Commissioner (OHIC) and one rate filing before the Department of Business Regulation that was not reviewed through a full public hearing process, but was reviewed on the papers with the involvement of the Attorney General.

During the year, the Unit Chief also attends regularly scheduled meetings of the Governor's Insurance Council as the Attorney General's designee. This council meets to discuss matters pertaining to various types of insurance and provide advice and counsel to the Governor.

Additionally, members of the Unit routinely attend meetings of the Health Insurance Advisory Council and the Workers Compensation Advisory Council to stay informed as to matters relating to health insurance and workers' compensation insurance, respectively, transpiring in the Rhode Island community.

Further, as warranted, the Insurance Advocacy Unit becomes involved in government litigation matters that involve insurance issues, such as *Delta Dental v. Hittner*, brought in the Superior Court, in which Delta Dental (Delta) has sued the Health Insurance Commissioner, primarily pertaining to matters relating to market conduct violations conducted by the Commissioner of Delta that Delta alleges are not within her powers to conduct and further claims that the Commissioner violated Delta's rights of due process and other Constitutional rights. This matter is currently proceeding in the Superior Court.

Moreover, during each year, the Insurance Advocacy Unit aids numerous consumers regarding complaints concerning disputes with insurance companies, particularly with respect to claims regarding health and other insurance matters.

The Insurance Advocacy Unit is funded by statute, R.I. Gen. Laws §27-36-2 and it is the responsibility of the Insurance Unit to collect the assessments made by the Department of Business Regulation (DBR) on an annual basis. In 2016, the Insurance Unit collected the complete assessment from 475 companies that were assessed by the DBR for this purpose.

Legal Counsel to the Contractors' Registration and Licensing Board

The Office of Attorney General provides legal counsel to the Contractors' Registration and Licensing Board (CRLB). The CRLB regulates the construction industry through registration requirements and conducts administrative hearings for individuals aggrieved by residential contractors. As legal counsel to the Board, the Office enables residential homeowners to avail themselves of the dispute-resolution process at the CRLB in lieu of pursuing a private action in court.

When a contractor fails to pay restitution to a homeowner as ordered by the CRLB, the Office of Attorney General plays an active role in enforcing compliance to ensure that homeowners have some measure of recourse. Through a cooperative partnership between the Office's Civil and Criminal Divisions, unscrupulous contractors can be criminally prosecuted in District Court. This process has a proven record of restoring money owed to homeowners and of keeping bad contractors from repeating their offenses.

In 2016, the CRLB received 250 new claims, closed 306 claims, opened 634 violations, and closed 473 violations. Through the dispute resolution process, the CRLB prevailed in collecting more than \$434,428 in restitution for claimants and more than \$91,885 in fines. Additionally, 22 contractors were referred to the Office of Attorney General for criminal prosecution. The amount of restitution ordered through the courts was approximately \$97,235 and the amount of fines ordered by court or remaining with the CRLB was approximately \$85,940. District Court judges continued entering civil judgments on these matters to provide homeowners with the ability to continue to pursue the matter and execute a judgment after probation closed.

The Office of Attorney General acted as liaison between homeowner-victims and the criminal court's probation system to ensure receipt of restitution and communication between parties. The Office also served as legal counsel during Board meetings, provided the Board with legal advice on a host of issues, and handled administrative appeals filed in Superior Court. Additionally, the Office continues to assist with the updating of the CRLB's rules and regulations and worked actively throughout 2016 to create licensing programs for underground utility contractors, well drilling contractors, commercial roofers, and home inspectors.

Open Government Unit

The Open Government Unit investigates complaints filed against public bodies in Rhode Island for violations of the Open Meetings Act (OMA) and/or the Access to Public Records Act (APRA). In 2016, the Unit received 105 open government complaints and issued 15 findings under the OMA and 47 findings under the APRA.

In total, the Unit determined that public bodies violated the OMA on seven occasions and the APRA 16 times. In the majority of these cases, the Unit issued warnings to the public body or directed the public body to take specific remedial action. In one instance, the Open Government Unit filed a lawsuit seeking civil monetary penalties against The Compass School for failing to properly and timely respond to an APRA request.

The Unit continued to encourage open government through outreach and education. In 2016, Attorney General Kilmartin hosted the annual Open Government Summit to educate officials and the public on the APRA and the OMA. Held in July, the Open Government Summit attracted more than 550 attendees and was streamed live over the Internet for the fifth year in a row. Attorneys assigned to the Open Government Unit also traveled throughout the State to provide training to state and local public bodies on an individual basis. To encourage additional training, Attorney General Kilmartin has made the materials and video from the Open Government Summit on the Office website, accessible 24 hours a day.

Public Utilities Regulatory Unit

The Public Utilities Regulatory Unit represents the ratepayers and citizens of the State of Rhode Island in all matters affecting the provision of public utility service as defined by Rhode Island General Laws § 39-1-2. Such services include those that certain municipal and investor-owned utilities provide to Rhode Island consumers in the areas of electric, gas, water, and sewer, as well as all common carrier services, i.e., taxi, non-consensual towing, moving, and limousine companies operating in the State.

The primary role of the Unit is to serve as legal counsel to the Division of Public Utilities and Carriers (the Division) in proceedings before the Public Utilities Commission. In this capacity, the Unit provides legal counsel to the Division with the principal aim of protecting ratepayers from

public utilities' efforts to charge unreasonable rates or engage in unreasonable practices. The Unit represents the Division before all state and federal trial and appellate courts of competent jurisdiction.

Proceedings resolved included successfully advocating for \$402,000 in savings from the filed amount requested by a local water utility. The Unit also joined a multi-regional effort before FERC to obtain a \$6.5 million regional settlement for costs associated with the proposed SeaLink Transmission Line. On behalf of the Division, the Unit also participated in negotiations that resulted in settlements with the State's principal electric utility: (i) in connection with the utility's infrastructure, safety, and reliability plan, saving ratepayers a total of \$7.3 million, and (ii) that led to a reduction of the costs of an electric streetlight metering pilot program, saving ratepayers approximately \$2.7 million.

Along with Deepwater and National Grid, the Unit successfully obtained dismissal of a complaint filed in the United States District Court for the District of Rhode Island seeking to invalidate Rhode Island's Deep Water Wind project. In a separate matter, also before the District Court, the Unit successfully obtained the denial of a request for preliminary injunction based on a claim that federal law preempts the imposition of recovery fees under a state towing tariff. Lastly, in proceedings before the Division, the Unit assisted the agency in collecting over \$124,000 in civil fines against taxi, ferry, moving, and towing companies for a variety of regulatory violations.

Tobacco Enforcement Unit

In 1998, the State of Rhode Island was one of 52 states and territories ("Settling States") that entered into the Tobacco Master Settlement Agreement ("MSA") with the major tobacco manufacturers ("Manufacturers"). The Tobacco Enforcement Unit's primary responsibility is to hold the Manufacturers accountable for strict compliance with the MSA, namely its public health, marketing, and payment provisions. This is done by regularly collaborating with attorneys general throughout the country on compliance and enforcement strategies and tobacco prevention, and working to make laws dealing with tobacco work more effectively.

The Office is charged with enforcing certain provisions of the MSA, including the close monitoring of the tobacco companies' annual payment to Rhode Island through review of relevant notices and spreadsheets provided to all signatories of the MSA by the Independent Auditor and the National Association of Attorneys General. In 2016, Rhode Island, through the Office of Attorney General, collected over \$47 million from the Manufacturers in accordance with the Manufacturers' MSA payment obligations.

In accordance with certain other MSA provisions, the Tobacco Enforcement Unit also oversaw manufacturers' certification and worked with the Rhode Island Division of Taxation to diligently enforce the provisions of Rhode Island's Escrow Statute.

The MSA has given rise to numerous lawsuits and legal issues, for example, the long-standing dispute between the Manufacturers and the Settling States relating to the Non-Participating Manufacturer (NPM) Adjustment Disputes. The MSA requires Manufacturers to make annual payments into an account that is distributed to the Settling States based upon a formula related to each state's respective shares to the Settling States. Many adjustments are included in the calculation of these annual payments, such as the NPM Adjustment. A condition of the MSA allows for this downward adjustment in payments by the Manufacturers if their market share drops by more than two percent nationally and if the Independent Auditor determines that the MSA was a significant factor in that drop.

Pursuant to the MSA, each Settling State could avoid a recovery from the Manufacturers if it enacted and “diligently enforced” a qualifying statute by which it compelled tobacco manufacturers who are not parties to the MSA to make payments into escrow accounts that would approximate the charges required from the settling Manufacturers.

Rhode Island continues to engage in the necessary steps to assert that it has both enacted a qualifying escrow statute and diligently enforced its statute for all years. The 2003 NPM Adjustment Arbitration commenced in 2010, and Rhode Island was a party to that arbitration along with the other Settling States ordered to arbitrate the issue of diligent enforcement. After conducting extensive discovery, the Manufacturers decided not to contest Rhode Island’s diligence for 2003, which meant that Rhode Island was not subject to the 2003 NPM Adjustment and would receive its portion of DPA monies related to that Adjustment. While the 2004 NPM Adjustment dispute remains ongoing as to certain States, Rhode Island engaged in negotiations with the Manufacturers to settle the NPM Adjustment Disputes for Years 2004-2014. Under certain terms of the settlement, the State is projected to receive approximately \$10 million in the 2017 fiscal year, and the State’s tobacco bondholders (“bondholders”) are projected to receive approximately \$40 million in the 2017 fiscal year. The bondholders are expected to additionally receive approximately \$20 million over next five (5) fiscal years.

CRIMINAL DIVISION

The Attorney General of the State of Rhode Island is charged with the responsibility of prosecuting all felony criminal offenses occurring in the State of Rhode Island, all misdemeanor criminal cases brought by State law enforcement agencies, all misdemeanor cases appealed to the Superior Court, and all violations of probation or bail, including violations of misdemeanor probation. In cases of misdemeanor violations of probation, where the new charge is a misdemeanor, the Office is also charged with the responsibility of prosecuting the misdemeanor case.

The Criminal Division is comprised of 149.1 staff members, consisting of prosecutors, investigators, victim advocates, paralegals, secretaries and clerical staff, as well as victim advocates. These individuals work together to assist the Attorney General in fulfilling his Constitutional obligations. Cases are prosecuted by attorneys assigned to the general criminal trial calendar and through specialized units focusing on white-collar crime, narcotics and organized crime, gangs, firearms offenses, child abuse, domestic violence, sexual assault, elder abuse, Medicaid fraud, juvenile offenders and traffic safety. Additionally, through the allocation of an attorney from the Department of Labor and Training, the Criminal Division handles the review and prosecution of Unemployment Insurance Fraud, Workers Compensation Fraud, prevailing wage and payment of wages cases.

The Criminal Division has continued to work closely with local law enforcement, assigning Superior Court prosecutors to act as liaisons to each of the forty-four law enforcement agencies in the State to provide legal assistance, and with our federal partners making joint decisions on which office should assert jurisdiction where there are both viable state and federal charges.

Prosecutors from the Criminal Division are available to law enforcement 24 hours a day, seven days a week to assist in serious matters and complex investigations. During the weekends and holidays, prosecutors rotate coverage to handle the presentation of violations of probation and bail.

Criminal Division prosecutors continued to handle tremendous caseloads throughout the State of Rhode Island at every level of the criminal justice system. In 2016, the Criminal Division filed charges in 5,409 misdemeanor and felony cases and disposed of 5,710 cases.

Adult Diversion Unit

The Adult Diversion Unit was established in 1976 as an alternative to prosecution for first-time nonviolent felony offenders. It enables qualifying offenders to accept responsibility and be held accountable for their actions while avoiding the stigma of a criminal record. The program offers the opportunity for the offender to earn the dismissal of criminal charge(s) by participating in drug treatment and mental health programs, providing community service at nonprofit agencies, and paying restitution to the victims of these crimes.

In 2016, the Unit handled 372 referrals, accepted 191 cases, and completed 170 cases. A significant accomplishment last year included \$138,937 in restitution ordered to be distributed to victims. The Adult Diversion Unit arranged 2,885 hours of community service at statewide non-profit agencies for a total value of more than \$27,696, and also arranged 161 counseling programs for participants with substance abuse problems, mental health issues, and gambling addiction.

According to a recidivism report, 93 percent of the individuals who successfully complete the Adult Diversion program go on to lead arrest-free lifestyles, confirming the necessity of the

program and the impact it has on first-time felony offenders by the development of participant-specific programs geared toward the root cause of the offense, thereby avoiding recidivism on the part of the participant.

The Adult Diversion program is participant-specific, and may also address educational needs on behalf of the participant. Depending on a participant's need, they are referred to community agencies who can offer specific services at little or no cost, giving them the tools they need to succeed.

Adult Drug Court

The Office of Attorney General participates in the Rhode Island Superior Court's Adult Drug Court Program (Drug Court).

The Drug Court uses a team approach by combining professionals in the criminal justice system with the knowledge of the substance abuse treatment community to establish a closely monitored, individualized treatment plan for a nonviolent defendant struggling with addiction. The Drug Court holds the individual responsible for his/her past actions and accountable for future decisions. Since its inception, the Drug Court has been able to provide a mechanism for non-violent felony offenders who suffer from addiction to seek the appropriate level of substance abuse counseling and ultimately adapt to a sober and healthy lifestyle.

The goal of the Drug Court is to integrate substance abuse treatment with the criminal justice system and divert nonviolent defendants from the traditional criminal court process to a forum where a therapeutic program is offered to assist the individual to modify behavior, improve their quality of life, and reduce recidivism. Combining substance abuse treatment and other support services with close supervision by the Court holds the defendant accountable and gives them an honest chance to succeed.

Once a defendant is referred to the Drug Court, an assessment is conducted; the defendant is referred to a substance abuse treatment provider, who develops an individual treatment plan. The Drug Court is in constant contact with the treatment provider throughout the defendant's participation in the Drug Court to ensure they are staying on course with the treatment plan. During the course of treatment and involvement with the Court, participants are subject to random weekly drug screens and are closely monitored through case reviews. If all requirements and expectations are met after 12 months of review, participants are provided the opportunity to have charges dismissed and corresponding court records sealed and expunged.

In 2016, the Adult Drug Court saw 106 admissions, 75 graduates, and 25 terminations. Of significance, the Adult Drug Court had 173 active participants as of December 31, 2016.

Appellate Unit

The Appellate Unit is charged with representing the State in all criminal matters before the Rhode Island Supreme Court, defending the State on post-conviction relief actions in state courts, as well as habeas corpus actions in federal court, and assisting prosecutors with legal research and analysis on a broad array of issues. In carrying out these responsibilities, the members of the Unit work with great diligence and passion to persuade members of the Rhode Island Supreme Court and the members of the federal judiciary of the correctness of the State's causes. Unit attorneys work equally hard in assisting trial prosecutors with legal issues as they arise during the course of pre-trial and trial litigation, and assisting other attorneys in research and analysis

on a variety of questions of concern.

In 2016, the Unit filed with the Rhode Island Supreme Court 29 pre-briefing statements, of which 13 were with respect to a criminal judgment of conviction; five were with respect to a Superior Court adjudication of a probation violation; 10 were with respect to an action in the Superior Court for post-conviction relief; and one was an appeal from a Superior Court interlocutory determination. The Unit further submitted to the Rhode Island Supreme Court 14 full briefs in appeals from a judgment of conviction and one in an appeal from an adjudication of probation violation.

The Unit additionally filed 21 responsive memoranda with the Rhode Island Supreme Court, usually involving defendants' requests for habeas corpus relief or for the granting of a petition for writ of certiorari. As well, the Unit litigated in the federal district court for the District of Rhode Island seven federal habeas corpus actions, actions challenging the federal constitutional lawfulness of a criminal defendant's Rhode Island judgment of conviction, and litigated two such federal habeas corpus actions in the United States Court of Appeals for the First Circuit.

With respect to the Unit's appellate prosecution, the Unit offensively prosecuted four State appeals, in the Rhode Island Supreme Court, challenging an adverse Superior Court determination. In 2016, the Appellate Unit disposed of 37 post-conviction relief actions in the Superior Court.

The Appellate Unit was very effective in its advocacy this past year with an overall success rate before the Rhode Island Supreme Court above 90 percent. The Rhode Island Supreme Court affirmed 35 of the 39 criminal defendant-challenged Superior Court judgments. In addition, the Unit successfully defended against all of federal cases brought by state prisons, and was successful in defending against requests for defendant-requested certiorari and issuance of habeas corpus writs.

While the Unit was sorely disappointed in the Supreme Court's majority opinion in *Tempest v. State*, it is proud of the colossal efforts put into the prosecution of the State's appeal, and the overall day-to-day success the Unit has in the defending post conviction relief attacks upon judgments of convictions.

Child Abuse Unit

The Child Abuse Unit (CAU) was established in December 2011 with the primary responsibility to prosecute sexual and physical abuse cases committed against our most vulnerable population - children. Specifically, this Unit oversees the investigation and prosecution of all Providence County first and second degree child molestation cases, first and second degree child abuse cases, and consults on all County child abuse and child molestation cases.

The overall goals of the CAU are for specially trained and experienced prosecutors to handle cases from investigation through arrest and final prosecution in child sexual abuse and serious physical abuse cases, to minimize the time cases move through the criminal justice system, and to minimize the difficulty for a child involved in the criminal justice process. Members of CAU attend local trainings and trainings around the country to ensure they are apprised of the latest medical studies, techniques, and possible defenses to child abuse and molestation cases.

The CAU uses a multidisciplinary approach to prosecuting child physical and sexual abuse cases. This includes working closely with Day One, the Child Protection Program (CPP) at Hasbro Children's Hospital, the Rhode Island Department of Children, Youth and Families (DCYF), and

state and local police departments.

To this end, at least one member of the CAU attends weekly meetings at the CPP at which the team of doctors, social workers from DCYF, local police departments, and prosecutors discuss new cases and follow up on old cases to ensure child safety, and if applicable, make sure the perpetrators of those crimes are held accountable. The cases discussed at these meetings are not only those which lead to criminal prosecution, but also those in which the children may need counseling and/or DCYF intervention to ensure their safety and wellbeing.

One of the major responsibilities of the CAU is to represent the Office of Attorney General in upholding Sex Offender Board of Review decisions regarding the leveling of registered sex offenders living in the State. Most of these offenders are convicted child molesters who are appealing their Level Two or Level Three risk assessments made by the Board. Once an appeal is filed by an offender, a prosecutor from the CAU files a motion to affirm the Board's decision with the Rhode Island Superior Court. Last year, 66 new appeals were filed (up from 27 in 2015). Of the 53 appeals that were heard, 19 level decisions were affirmed, 4 reversed, 3 withdrawn, 11 have yet to be heard. There are 16 appeals still pending from previous years.

District Court Unit (Providence County)

The District Court Unit in Providence County prosecutes a multitude of criminal matters brought forward in the 6th Division District Court and the Rhode Island Traffic Tribunal. Each day, District Court Unit prosecutors are responsible for conducting bail hearings on capital cases and enumerated drug delivery offenses, hearings to which any defendant who is held without bail is entitled (according to the Rhode Island General Laws and Article 1 Section 9 of the Rhode Island Constitution).

The District Court Unit prosecutes pretrial and trial matters brought by various state law enforcement agencies throughout Rhode Island, primarily the Rhode Island State Police. In addition, Unit prosecutors handle all criminal cases referred by the state Contractors' Registration and Licensing Board, the Department of Environmental Management, and the Department of Labor and Training.

Unit prosecutors also regularly handle cases against defendants accused of violating the terms and conditions of either their bail on an existing case or of a pending sentence of probation or suspended time. Additionally, Unit prosecutors handle motions to expunge, motions to reduce and/or modify bail and bail conditions, motions to vacate no-contact orders, applications for post-conviction relief, and waivers of information for certain felony offenses on a daily basis.

The Department of Attorney General has exclusive authority to prosecute every charge of breathalyzer refusal brought under R.I.G.L. §31-27-2.1. Such cases are tried before the Rhode Island Traffic Tribunal.

In 2016, the Providence County District County Unit attorneys handled a total of 3,792 matters before the 6th Division District Court in Providence and the Rhode Island Traffic Tribunal, an increase of more than 500 matters from the previous year.

Specifically, the Unit handled 318 bail hearings, 1,094 probation and bail violation hearings, 515 stand-alone misdemeanor prosecutions, 124 fugitives from justice complaints, 45 competency evaluation hearings, 11 cases referred from the Contractors' Registration and Licensing Board, and five post-conviction remedy applications. In addition, the Unit handled a total of 1,680

cases before the Rhode Island Traffic Tribunal, an increase of more than 200 cases over last year, including 1,229 plea dispositions and 22 trials, with 429 matters dismissed as a result of plea agreement or other causes.

Domestic Violence and Sexual Assault Unit

In 2016, the Domestic Violence/Sexual Assault Unit (DV/SA Unit) of the Office of Attorney General continued its efforts to address crimes of violence committed among family and household members throughout the State of Rhode Island. The unit worked to achieve its primary goals of ensuring victim safety and holding offenders accountable. In addition to handling felony trials and misdemeanor appeals in Superior Court, DV/SA prosecutors handle bail hearings, violation hearings, and motions to reduce or set bail. Unit prosecutors also regularly argue against motions to vacate no contact orders (NCOs) against offenders.

DV/SA prosecutors attend and conduct trainings of law enforcement, victim advocates, and medical professionals who work with victims of domestic violence. Additionally, they conduct training sessions for law enforcement officers at local police departments and police academies, as well as city and town solicitors statewide. Prosecutors from the DV/SA unit spent more than 10 hours training recruits at the Rhode Island Municipal Police Academy. The trainings touched on all matters of domestic violence ranging from sexual assault and strangulation to sex trafficking and basic evidence collection in DV cases where there is a reluctant victim. In all of those trainings, prosecutors educated future police officers about what juries expect in such cases. Unit prosecutors conducted a similar training at the RI Police Chief's Academy.

Unit attorneys continue to participate in the training of emergency room personnel at local hospitals on interviewing and collecting evidence from victims of domestic violence and sexual assault. In November unit prosecutors participated in the training of new Sexual Assault Nurse Examiners on issues related to testifying, report writing, and evidence collection with a special emphasis on drug facilitated sexual assault. Other trainings included an entire day's presentation by the RI Statewide Task Force to Address Sexual Assault where the focus of the training was on trauma informed sexual assault investigations. Attendees included police and security officials from many local departments and RI college campuses.

Other presentations included trainings before the RI Municipal Police Academy on domestic violence laws and training specifically about cases involving animal abuse. The Unit also spoke to over 50 caseworkers from DCYF about juvenile victims of sex trafficking and the laws and issues surrounding those prosecutions.

Continued training is also critical so that prosecutors are current on legal and social issues in the state. Unit prosecutors attended trainings in Rhode Island, Minnesota, Washington, DC, and Louisiana all in an effort to learn the latest developments in this area of the law. Cybercrime, child pornography, sex trafficking, and transgender issues were the subject of just a few of these trainings.

Every day, Unit prosecutors work closely with the various police departments assisting in the investigation of major crimes especially murders and sexual assaults. By visiting the scenes of some of the most serious crimes, prosecutors familiarize themselves with the crime scene and are better able to analyze all facets of the case. Additionally, by being present at the scene, it allows the police to direct the attorneys to the significance of certain pieces of evidence and likewise prosecutors can request that certain evidence be obtained or preserved. The close relationship between prosecutors and police results in better cases and better results in court.

Having worked in conjunction with various advocacy groups and local members of law enforcement to apply for and secure monies made available through the federally funded grants, the DV/SA Unit was able to enhance its efforts in the fight against violent crimes against women by providing additional training for the members of its unit as well as developing an updated database that will allow the unit to better track repeat offenders and hold them accountable. The DV/SA Unit continues to work with these partners to receive federal funding through the Violence Against Women Act.

Prosecutors from the DV/SA Unit also continue to participate in a number of boards and committees. Members of the unit attend and serve on regular meetings of the RI Bar Association's Criminal Law Bench/Bar Committee, the Violence Against Women Act Advisory Committee, the Sex Trafficking Task Force, the Law Enforcement Task Force, and the Batterers Intervention Program Standards Committee.

With the rise in sex trafficking in Rhode Island, prosecutors in the DV/SA Unit continue to prosecute these cases in state as well as federal courts. Unit prosecutors are cross-designated with the Office of the United States Attorney and conduct joint investigations and prosecutions on these most heinous crimes. These same prosecutors and others in the Office of Attorney General assisted in developing the protocols on sex trafficking of minors. These guidelines assist fellow prosecutors, police, medical personnel, and counselors in the proper handling of these sensitive cases.

During 2016, the DV/SA Unit prosecuted more than 600 cases, an increase of approximately 100 cases over last year. These cases included a range of serious crimes including domestic murder, sexual assault, sex trafficking of a minor and felony assault with a firearm.

Elder Abuse Unit

The Office of Elder Justice Advocate, also known as the Elder Abuse Unit, is responsible for investigative management and prosecution of crimes involving elderly victims of abuse, neglect, and financial exploitation.

The Unit was created several years ago in recognition of the fact that the proportion of Rhode Island's population that is sixty years of age and older is dramatically increasing and will continue to do so in the coming years. Coupled with the fact that this age group is the State's fastest growing demographic is that crimes against senior citizens often go unreported, presenting high temptation and low risk factors to potential offenders. The special needs often presented by elder victims and the fact that elder abuse, neglect, and exploitation crosses all racial, socio-economic, gender, and geographic lines made the need for a special unit apparent.

The Unit continued to work with and advise law enforcement agencies across the State in elder abuse investigations, leading to nearly 100 felony criminal cases being opened in the Rhode Island Superior Court last year in addition to more than 150 investigations and complaints handled by the Elder Abuse Unit. Last year, 96 cases were disposed of, resulting in jail time for many defendants, as well as court-ordered restitution of approximately \$550,000 for senior victims.

The Elder Abuse Unit continued its commitment to train law enforcement and personnel who work closely with the elderly. Training of those who work with the elderly is vital, as they are in a unique position to observe signs of elder abuse which may be occurring in the home, out of the public view. Elder abuse trainings were presented to the RI Municipal Police Academy, the National College of Probate Judges, the VNA of Newport and Bristol Counties, and the Child and

Family Services Elder Services Program, among others.

The Elder Abuse Unit also participates in the Citizens Commission for the Safety and Care of the Elderly.

Intake Unit (Providence County)

The Providence County Intake Unit is responsible for screening and processing all felony cases to make the determination whether a case should be prosecuted in Superior Court, and if so, on what charges. The responsibilities of the Unit include review of cases for information charging, the presentation of cases to the Grand Jury, the litigation of cases at the pre-arraignment stage, and other ancillary matters.

In 2016, the Unit reviewed 3,675 cases for information charging, filing charges in Superior Court in 3,160 of the cases. The Unit determined that in 378 of those cases there was insufficient evidence to proceed with charges in Superior Court, 135 defendants were referred to the Diversion program, and two cases were referred to the Grand Jury.

In addition, the Unit reviewed 307 cases for consideration of presentment to the Grand Jury. Of those, the Grand Jury returned 204 true bills and 11 no true bills. In 37 cases, the Unit declined to present the case to the Grand Jury, 21 cases were referred to felony screening for information charging, and 34 defendants waived the right to have the case presented to a Grand Jury and pleaded out to charges.

The Providence County Intake Unit also manages the pre-arraignment calendar, or PAC as it's known, where cases may be resolved prior to arraignment. Last year, 905 cases were resolved at the PAC, representing almost 45 percent of all cases scheduled and conferenced.

Juvenile Prosecution Unit

The Juvenile Prosecution Unit prosecutes all juveniles charged with offenses which would be punishable as felonies if committed by an adult. In addition, the Unit also prosecutes all juveniles who are charged with misdemeanors by the Rhode Island State Police, State Fire Marshall, and the Department of Environmental Management. The Unit is also responsible for the prosecution of all juveniles who are charged with violations of probation.

This past year proved to be another busy year for the Juvenile Prosecution Unit. The Unit received 1,1041 new petitions charging juveniles with criminal offenses. This represents 584 new delinquency or felony charges and 65 wayward or misdemeanor charges, as well as 392 violations of probation and court orders. During 2016, the Unit prosecuted 624 new juvenile offenders. A new juvenile offender is a juvenile not previously prosecuted by the Unit. This number does not include juveniles that the Unit prosecuted in past years or juveniles who re-offend during the current year.

The Unit also handles the prosecution of adults who commit child neglect. In 2016, the Unit charged 19 child neglect cases, disposed of 11 cases, with 24 cases pending before the Court.

Rhode Island General Law allows the Office of Attorney General to seek to waive a juvenile out of the Family Court system to be tried as an adult in Superior Court. In 2016, the Juvenile Unit filed one mandatory waiver motion, 10 discretionary waiver motions, and four certification motions. Of the 10 discretionary waiver motions, three juveniles voluntarily waived their cases to Superior Court, one was waived by the Judge after a hearing, and three motions to waive were denied by

the Court. There are two waiver motions currently pending before the Court.

In 2016, the Unit prosecuted 30 juveniles for school violence cases, not including the wayward offenses handled by municipalities. The range of offenses that occurred on school property included assault, breaking and entering, drug offenses, possession of weapons, and bomb threats.

Last year, the Unit prosecuted 49 juveniles in Family Court for firearm cases. These included 22 BB guns and 27 firearms, which included handguns and pistols.

The Unit participates in the Juvenile Drug Court, which aggressively addresses substance abuse and associative behaviors, that, if not addressed, could lead to further contact with the courts. Last year, 94 juveniles were admitted to the Juvenile Drug Court, a significant increase over last year. Of those, 88 were admitted to the Drug Court Diversion Program and 6 were admitted to the Post Adjudication track of the program, which is designed to address more serious charges and issues of recidivism. Last year, 60 juveniles successfully graduated from the program while 28 were terminated or discharged for violating the rules of the program.

The Juvenile Prosecution Unit is also responsible for covering cases heard in the Re-Entry Court, which is a specialized court that monitors and reviews juveniles recently released from the Rhode Island Training School.

Prosecutors also conduct emergency arraignments, wherein a juvenile has been detained overnight at the Rhode Island Training School with the approval of a Family Court Judge. There were 386 emergency arraignments in 2016.

Since the program was implemented in 2012, electronic monitoring of juveniles has become a detention alternative in Rhode Island. According to the Department of Children, Youth and Family, 314 juveniles were placed on electronic monitoring or home confinement in 2016.

The Unit continues to be actively involved in the Juvenile Detention Alternative Initiative Project. The initiative works towards reducing reliance on secure confinement without sacrificing public safety. One of the goals is to shift spending from detention to community-based detention alternatives.

In addition to prosecuting cases, members of the Juvenile Unit work within the community to educate students and the public about juvenile laws and prosecution of juveniles. The staff also serves on several committees and task forces pertaining to juvenile and child abuse cases, including the Rhode Island Sex Offender Registration and Notification Task Force, the Rhode Island Council for Interstate Compact for Juveniles, Hasbro Children's Hospital Child Protection Program, the Child Advocacy Center at Day One, and the SOLEMN Task Force, among several others.

In addition to the prosecutors, paralegals and support staff, the Juvenile Unit is assigned a victim witness assistant responsible for corresponding with juvenile clients who have been the victim of juvenile offenders, as well as victims of adult offenders charged with child neglect. This staff member also assists prosecutors with interviews of juvenile victims and witnesses, attends Family Court hearings, and coordinates with the Rhode Island Juvenile Probation Office on issues of victim restitution. In addition, this staff member serves as part of the child advocacy team attending bi-weekly meetings at Day One, where cases of molestation and sexual assault are reviewed for potential criminal prosecution.

In response to local high schools to speak to students on the issue of sexting and cyber bullying,

the Office of Attorney General created a frank and honest presentation on the legal and social consequences of “sexting,” sharing intimate photos or videos via social media and cell phones, and cyber bullying. Given by prosecutors from the Juvenile Prosecution Unit, the presentation gives young people real life scenarios of what can happen if they send or distribute intimate photos. The prosecutors also discuss the social and emotional costs of such actions.

Kent County Office

The Kent County Office is located within the Philip Noel Judicial Complex in Warwick. The second-largest office in terms of size and staffing, the Kent County Office is comprised of seven attorneys, seven support staff, and a victim witness liaison.

The scope of the duties of the Kent County Office include, but are not limited to, all bail violation hearings, probation violation hearings, pre-trial conferences, various pre-trial motions, and ultimately trial for all felony matters brought before the Court, as well as misdemeanor prosecutions charged by the Rhode Island State Police, the Rhode Island Department of Environmental Management, and other state agencies.

Prior to a case being charged and adjudicated in Superior Court, it must first be screened by the County Intake Unit. Last year, this prosecutor reviewed more than 1,400 cases that were referred for felony screening. Of these referrals, 975 cases were charge in Superior Court, and in 200 cases, “no informations” were filed, indicating a lack of evidence to pursue charges. In Kent County, there were 575 cases charged by information, 48 misdemeanor appeals, and 148 criminal waivers. There were also 134 no informations signed.

In 2016, the Kent County Office disposed of 728 felony cases, of which 85.3 percent were disposed of by way of plea agreement or trial. In the past year, prosecutors tried 12 jury trials in Kent County Superior Court. Only 98 cases, or 13.5 percent, were dismissed by the Court on legal grounds. In addition, the Kent County Office handled 629 probation violators, as well as a myriad of miscellaneous matters, including grand jury presentations, post-conviction relief applications, motions for expungement, and miscellaneous petitions that are scheduled on the daily criminal calendar.

In addition to these matters in Superior Court, the Kent County Office also handles all matters in the 3rd Division District Court in which State law enforcement agencies bring forth charges, as well as all probation violation and bail hearings that come before that court. In 2016, Kent County prosecutors disposed of 921 misdemeanor cases and handled approximately 755 probation violations, bail violations and bail hearings.

The Kent County Court also houses the Alternatives to Sentencing and Trauma Recovery in Rhode Island and the Kent County Adult Drug Court.

The Alternative to Sentencing and Trauma Recovery in Rhode Island – Focus on Veterans is a jail diversion program that was piloted in the Kent County District Court. Commonly referred to as the “Veterans Court,” the program is designed to direct defendants who have experienced military trauma resulting in related disorders into a court program which integrates a support and treatment plan into the judicial process.

Veterans Court provides treatment options that result in potential jail diversion, possible reduction of charges, or other alternatives in sentencing. It is designed to divert veterans whose military-related trauma has led them to troubles with law away from incarceration and, where

appropriate, into rehabilitative alternatives.

During the calendar year, approximately 119 referrals were made to the program, with approximately 80 cases accepted. Last year also saw 59 cases successfully completed with the remaining cases active in the program. Since the inception of the program, 254 veterans have graduated from the Veterans Court Program.

The Kent County Adult Drug Court uses a team approach by combining professionals in the criminal justice system with the knowledge of the substance abuse treatment community to establish a closely monitored, individualized treatment plan for a nonviolent defendant struggling with addiction. The Drug Court holds the individual responsible for his/her past actions and accountable for future decisions. Since its inception, the Drug Court has been able to provide a mechanism for non-violent felony offenders that suffer from addiction to seek the appropriate level of substance abuse counseling and ultimately adapt to a sober and healthy lifestyle.

Medicaid Fraud & Patient Abuse Unit

The Medicaid Fraud Control and Patient Abuse Unit (MFCU) enforces the laws pertaining to fraud in the state/federal Medicaid program and prosecutes cases of abuse, neglect, or mistreatment of patients in all state healthcare facilities. The Unit prosecutes criminal activity, pursues civil remedies where appropriate, and participates with federal and state authorities in a variety of inter-agency investigations and administrative proceedings. Unit prosecutors, auditors, investigators, and health care professionals employ a multi-disciplinary approach to combat health care fraud and patient abuse.

In 2016, the Unit recovered \$272,255 in restitution from medical assistance fraud investigations and prosecutions. In addition, the Unit signed global qui tam settlement agreements with pharmaceutical and medical device companies totaling approximately \$5,944,629 in recoveries to the Rhode Island's Medicaid program, and collected payments on civil settlements with Medicaid providers totaling \$170,420. In total, the Unit recovered \$6,387,304 for the State's Medicaid budget for the 2016 calendar year.

While the MFCU is the one unit within the Office that does have investigative powers, it relies heavily on other state agencies, law enforcement, and providers – those who have direct and daily contact with individuals and businesses who benefit from the Medicaid program – to forward possible instances of Medicaid fraud and patient abuse for the Unit to investigate. The Program Integrity Unit of the Rhode Island Executive Office of Health and Human Services is the agency primarily charged with referring fraud cases to the MFCU. Computer analytics and data mining are used to uncover fraud in the Medical Assistance Program. A recent change in federal law has now enabled MFCUs nationwide to seek a “waiver” of the federal regulation which prohibits MFCUs to engage in data mining. The State of Rhode Island Attorney General's MFCU sought such a waiver which was granted in December of 2015. The MFCU is now in the process of preparing a request for proposals to select a vendor to conduct such data mining activities. The activity is also funded by the federal government at the rate of 75 percent.

Recognizing the home healthcare industry to be a major source of abuse nationwide, the Unit has taken steps to stem the tide of fraud in Rhode Island. The Unit conducts several trainings for fiscal intermediary agencies involved in administering personal care attendant services and works with the Executive Office of Health and Human Services as to how to detect fraud.

Patient abuse and neglect are also a major focus of the MFCU investigations. The Office continues

its efforts to find ways to make the reporting of such incidents easier and familiar with those people in the position of enduring or witnessing such unfortunate occurrences.

Narcotics & Organized Crime Unit

In 2016, the Narcotics and Organized Crime Unit (NOCU) continued in its three primary areas of responsibility: to investigate, manage, and prosecute all criminal cases involving narcotics, traditional organized crime, and criminal street gangs, as well as handling all aspects of asset forfeiture and representing the State of Rhode Island in the Providence County Adult Drug Court. In 2016, the Unit opened 830 new cases and closed 1,227 cases.

In a continuing trend in 2016, federal, state, and local law enforcement agencies led joint investigations into narcotics traffickers and violent offenders, bringing several multiple-defendant cases to the Office to prosecute. The investigation and prosecution of these cases helped to dismantle drug organizations and rid several communities of pervasive narcotics-related crimes.

In the area of narcotics prosecution, the members of the Unit are responsible for representing the State in a variety of court proceedings, including trials, pre-trial conferences, violation hearings, and bail hearings. Unit prosecutors also are responsible for drafting and editing documents related to the electronic surveillance of targeted offenders, the management and oversight of electronic surveillance investigations, providing legal advice and assistance to police departments, working with law enforcement on investigating narcotics-related activity, and presenting narcotics-related investigations to county and statewide grand juries.

In addition to prosecuting all organized crime-related cases before trial juries, the Unit works closely with the police in providing document support and case management on electronic surveillance cases and developing cooperating witnesses and confidential informants.

Due to the close relationship between the prosecution of narcotics-related offenses and the use of firearms, the Unit is responsible for prosecuting most of the cases on the Providence Superior Court's Gun Calendar. Additionally, a member of the Unit is responsible for the coordination of firearms prosecution between state and federal authorities, communicating on a daily basis with the U.S. Attorney's Office to review all firearms cases and to determine which jurisdiction is most appropriate to bring charges. In 2016, the Office charged 350 firearms-related offenses while disposing of 315 firearms-related cases.

NOCU continued to represent the State before the Providence Superior Court's Adult Drug Court, a special court that handles cases involving offenders who are addicted to drugs. The court seeks to help such offenders through an extensive supervision and treatment program. In 2016, the Adult Drug Court saw 106 admissions, 75 graduates and 25 terminations. Of significance, the Adult Drug Court had 173 participants as of December 31, 2016.

NOCU is also responsible for processing all narcotics, gambling, and racketeering-related asset forfeitures. Proceeds from the sale of forfeited assets represent an important source of ongoing drug and crime suppression efforts of state and local police. In 2016, the Unit opened 284 new forfeiture cases and disposed of 277 cases. In total, the Unit seized \$1,682,426 in cash and property and processed \$979,700 in total cash and property forfeited.

Under Rhode Island General Law, assets obtained through illegal drug operations are forfeited and distributed among state and local police, the Office of Attorney General, and the Department

of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH).

As prescribed by statute, 20 percent of seized proceeds shall be provided to the Office of Attorney General to be used for further drug-related investigations and prosecutions, 70 percent is divided among the state and local police departments proportionately based upon their contribution to the investigation, and 10 percent provided to BHDDH to support substance abuse treatment programs.

Last year, \$449,206 in “cash” was distributed to the Rhode Island State Police and local police departments, \$64,172 to BHDDH, and \$128,344 to the Office of Attorney General. Another \$283,380 worth of forfeited property was distributed to state and local law enforcement agencies for use or auction.

Newport County Office

Located in the historic Florence Murray Judicial Complex in downtown Newport, the Newport County Office is comprised of two prosecutors, one out-of-county screening prosecutor, two support staff, and one victim/witness liaison who splits time with the Washington County Office. The Office is responsible for all county-wide felony prosecutions from the following police departments: Newport, Jamestown, Portsmouth, Middletown, Tiverton, Little Compton, Rhode Island State Police (Wickford and Portsmouth barracks), and the Rhode Island Department of Environmental Management.

In 2016, the Newport County Office disposed of more than 341 criminal cases, of which nolo contendere pleas accounted for 276 of those dispositions. Five cases were disposed of by filing, and 57 cases were dismissed on legal grounds. Of the Superior Court cases disposed of last year, 52 were by waiver of criminal information. The Office also handled 222 violations of probation and bail, and nine cases that were misdemeanor appeals from District Court.

Last year, 424 felony cases were submitted to the Newport County Office for information charging. Of those, and in addition to the cases carried over from 2015 that were pending at the start of the calendar year, 264 felony cases were charged by way of information charging, 49 cases were deemed “no informations,” 19 cases were remanded to District Court, three were referred to the Adult Diversion Unit, and 52 cases were resolved by waiver of criminal information.

In 2016, six cases were presented to the Newport County and Statewide Grand Juries, resulting in five true bills and one no true bill.

The Newport County Office handled 359 substantive matters before District Court, including 147 violations of probation or bail, six bail hearings, six trials, 39 bail reviews, 19 second-offense chemical refusal tests, and six fugitive from justice matters, and disposed of 21 misdemeanors charged by the Rhode Island State Police or the Rhode Island Department of Environmental Unit.

Traffic Safety Resource Prosecutor

Federally funded, the Traffic Safety Resource Prosecutor (TSRP) oversees the prosecution of all alcohol-related driving accidents, conducts law enforcement training, and performs community outreach for motor vehicle safety issues, including underage drinking and texting while driving. The TSRP also assists the Rhode Island Department of Transportation with highway safety public policy and education initiatives.

The TSRP is involved in all stages of the prosecution of motor vehicle crash cases, with the goal

to have early involvement and provide assistance to law enforcement at the time of the crash. In this capacity, the Office of Attorney General provides a great resource for police departments in their initial decision-making process and in obtaining warrants for evidence in criminal cases. If the offense rises to the level of criminal negligence, the TRSP prosecutes the cases for the Office of Attorney General. In 2016, the TRSP reviewed 93 cases for the purposes of screening felony motor vehicle offenses, the majority of which resulted in criminal prosecution.

In addition, the TRSP will review any fatal crash at the request of law enforcement to determine whether the conduct of an operator rose to the level of criminal recklessness. Last year, the Office charged 121 individuals with serious motor vehicle crimes, including DUI Death Resulting, DUI Serious Bodily Injury, Leaving the Scene of an Accident with Death or Serious Bodily Injury, Driving to Endanger Death Resulting, DUI 3rd Offense within five years, and others. In addition, the Office disposed of 88 cases in which defendants were charged with serious motor vehicle offenses.

Last year, the TRSP presented 20 separate law enforcement trainings which approximately 570 officers attended. These trainings focused on impaired driving, search and seizure, and testifying in motor vehicle cases.

The Office of Attorney General partners with numerous agencies and commissions across the State that share the common objective of reducing motor vehicle fatalities. Last year, the Office participated in Operation Blue RIPTIDE, a statewide DUI Task Force consisting of police departments from every city and town in Rhode Island and the Rhode Island State Police, who combine resources to target DUIs during the busiest and most dangerous times of the year.

The TRSP also actively participated in the Attorney General's "It Can Wait" distracted driving public awareness campaign. Since the program's launch in 2012, the Attorney General and partners have made more than 70 school visits to speak with young drivers on the deadly consequences of distracted driving.

The efforts to educate drivers on the dangers of distracted and drunk driving, to train law enforcement officials on proper procedures to investigate and build a strong case, and to prosecute those who commit serious driving offenses, resulted in being honored by MADD. Former TRSP and Assistant Attorney General Stephen Regine received the Statewide Prosecutor of the Year Award and Director of the Victim Services Unit Ana Giron received the Victim Services Award.

Victim Services Unit

The Victim Services Unit provides an array of services to felony crime victims and their families. Advocates are assigned to victims and their families to provide guidance and support through the criminal justice process – informing them of their rights, notifying them of the status of the offender's case, providing personal assistance at court appearances, and helping them better understand and participate in the legal process. In addition, the Unit provides referrals to other victim-service provider agencies and support groups that can further assist victims with financial, legal, medical, and emotional problems resulting from the crime. Unit advocates also assist prosecutors with all victim-related matters.

In performing these services, the staff works closely with highly-traumatized victims and families in homicide, driving death, child molestation, sexual assault, human trafficking, and domestic violence cases as well as other felony cases – answering questions, overcoming fears, explaining court procedures, notifying victims of the status of the offender's case, sharing

concerns, addressing safety issues, assessing overall needs, and accompanying victims to court proceedings.

Advocates are assigned to assist victims and their families through the various stages of the criminal justice process – bail hearing, pre-arraignment/arraignment, violation hearing, grand jury, pretrial, trial, appellate, and post-conviction process. The Unit also collaborates with other agencies – RI Department of Probation and Parole, RI Parole Board, Superior Court Restitution Unit, and RI Department of Corrections Office of Victim Services – in an effort to provide a seamless transition for victims at the conclusion of the Superior Court process.

In order to facilitate the resitution process for victims, the Unit collaborated with the RI Department of Probation and the Superior Court Restitution Unit by providing victim contact information in approximately 450 cases last year. In addition, the Unit provided victim contact information to the Rhode Island Parole Board in order to facilitate notification of parole board hearings to victims in more than 246 cases.

Advocates are assigned to work with victims whose cases are handled by prosecutors in specialized units --Domestic Violence Sexual Assault and Child Abuse Units. An advocate is also assigned to work specifically on all homicide and gun court cases. The homicide advocate specializes in providing critical support to families of homicide victims. The advocate works closely with prosecutors to establish contact with family members of homicide victims within 24 hours to ensure that survivors receive critical services in the wake of violent death. The homicide advocate is on call 24 hours as a liaison between victims' families, law enforcement, and prosecution.

The team provides services to Spanish-speaking victims in their native language with forms, brochures, and letters, and also provides outreach to area schools, senior centers, and community centers.

In 2016, the Victim Services Unit handled approximately 5,049 cases and generated more than 45,000 status notices to victims. In providing personal support, advocates accompanied victims to more than 2,160 court proceedings – including bail hearings, violation hearings, pretrial conferences, trials, Supreme Court arguments, and interviews with prosecutors. More than 3,000 referrals were made to other agencies for further assistance, and more than 2,800 email and telephone contacts were made on victim-related matters. Also, the Unit provided 100 letters of notification to victims relating to the Rhode Island Supreme Court appeal process and matters on for post-conviction relief.

In 2016, the Unit referred 1,500 victims to the RI Victim Assistance Portal, a secure web portal that serves victims of crime in Rhode Island (or approved guardians/significant others) with a broad range of information relevant to their offender's case. The information includes court events, incarceration status, and status of court-ordered restitution on misdemeanor cases. The Victim Services Team and RI Justice Assistance are the portal's administrators. Approximately 200 victims and advocates were registered and approved in 2016.

In the summer of 2016, the Unit provided instruction on "victim services in the criminal justice system" as part of the curriculum for the Rhode Island State Victim Assistance Academy. Throughout the year, team members also continued to receive specialized training on issues related to domestic violence, child molestation/sexual assault, elder abuse, human trafficking, victims with disabilities, and mainstreaming services to LGBTQ persons in an effort to better serve Rhode Island's diverse victim populations.

Washington County Office

Located within the J. Howard McGrath Judicial Complex in Wakefield, the Washington County Office is comprised of three prosecutors, one out-of-county screening prosecutor, two support staff, and one victim/witness liaison who splits time with the Newport County Office. The Office is responsible for all countywide felony prosecutions from the following police departments: North Kingstown, South Kingstown, Narragansett, Charlestown, Richmond, Hopkinton, Westerly, New Shoreham, University of Rhode Island, the Department of Environmental Management, and Rhode Island State Police cases originating from the Wickford and Hope Valley Barracks.

Last year was a productive one in Washington County with 252 cases informed in Superior Court with 399 pending cases resulting in dispositions. In addition, the Office disposed of 155 cases in District Court. An essential element in the smooth and efficient operation of a county office is the ability to effectively waive criminal informations, thus reducing the amount of cases submitted to screening and added to the criminal calendar. In 2016, prosecutors were able to waive 77 cases from the District Court to dispositions in the Superior Court. Two cases went to trial, both resulting in guilty verdicts.

The Office continues to focus on efficiently moving all capital offenses and investigations through the grand jury. In 2015, eight cases were presented to the Washington County and Statewide Grand Juries each resulting in a true bill.

White Collar Crime and Public Corruption Unit

The White Collar Crime and Public Corruption Unit is charged with the responsibility of prosecuting any crime that can be committed with a pen, balance sheet, or computer instead of a mask, gun, or knife. In other words, the Unit targets crimes of sophistication, deception, and ingenuity rather than those of fear, violence, or intimidation.

In short, white collar crime involves lying, cheating, and stealing. With the development of the Internet, and conversion to electronic data collection, interstate and global transactions, theft can target and greatly affect businesses and citizens of the State of Rhode Island from anywhere in the country or world.

Many of these crimes involve very sophisticated schemes using electronic technology, but many still are very “low tech” in diverting monies and covering the activity by making fraudulent data entries, or not reporting received monies.

In 2016, the Unit disposed of 170 cases that resulted in \$723,964 in court-ordered restitution to victims.

The Office of Attorney General is assigned a prosecutor devoted exclusively to prosecuting fraud cases referred by the Rhode Island Department of Labor and Training (RI-DLT) involving unemployment insurance benefits fraud, workers’ compensation fraud, prevailing wage violations, and labor standards violations. The prosecutor in this position is solely responsible for screening, charging, prosecuting, tracking, and reporting case results to RI-DLT and the Office of Attorney General.

During 2016, the Office of Attorney General successfully prosecuted 36 individuals who committed unemployment benefit fraud and secured \$465,000 in court-ordered restitution.

APPENDIX OF SIGNIFICANT CIVIL AND CRIMINAL CASES

Civil Division

By law, the Attorney General represents the State, its agencies, and employees in the Rhode Island Supreme Court and all lower state courts; institutes actions in state and federal courts whenever warranted; ensures that representation is provided to state officers, employees and agencies in all courts; advises state officers and agencies on legal issues; gives written opinions on legal issues when requested by an appropriate governmental officer; and represents the interests of the people. In 2016 the Civil Division opened 1,058 new matters and closed 1,442 files.

Cases resolved in the Rhode Island Superior Court and the United States District Court may be appealed as a matter of right to the Rhode Island Supreme Court and the First Circuit Court of Appeals, respectively. Among the significant appellate cases was *Brett Roy v. State of Rhode Island*, where the plaintiff sought more than \$40,000,000 in damages after he was paralyzed in a diving accident in World War II Park in Woonsocket. After a trial justice reversed a jury verdict in the State's favor and ordered a new trial, the State appealed to the Rhode Island Supreme Court, which vacated the trial justice's decision and ordered the plaintiff's lawsuit dismissed.

Cases pending as of December 31, 2016 in the Rhode Island Supreme Court included *Roach v. State of Rhode Island*, which concerns the State of Rhode Island's sovereign immunity and maximum liability for tort damages, as well as *Kilmartin v. Barbuto*, where the Attorney General brought an action seeking to declare that Rhode Island citizens had access to certain portions of Misquamicut Beach. The Civil Division also had several cases pending as of the end of the calendar year in the First Circuit Court of Appeals, including *Ferreira v. Wall*, where a United States District Court Judge upheld the constitutionality of R.I. Gen. Laws § 13-6-1, which declares that inmates who have been sentenced to life in prison are "deemed to be dead in all respects" and may not engage in marriage. The plaintiffs have appealed this ruling.

The Attorney General also reviews requests to support amicus curiae (or friend of the court) briefs in cases pending in courts throughout the United States. These briefs are circulated through the National Association of Attorneys General to all state attorneys general.

In 2016, the Attorney General reviewed approximately 60 requests to sign-on to amicus curiae briefs, including briefs filed in the United States Supreme Court supporting the Affordable Care Act and President Barack Obama's deferred immigration policy. At the request of the United States District Court and the Rhode Island Superior Court, the Attorney General has also written amicus curiae memoranda in a case challenging certain probate court fees as violative of the Americans with Disabilities Act and in a case contending that Rhode Island's Outdoor Advertising Act, R.I. Gen. Laws § 24-10.1-3, is an unconstitutional abridgment of the First Amendment's right to free speech.

Civil Litigation

Adams v. Melnick and Department of Corrections

The Plaintiff, an inmate at the Department of Corrections, brought a malpractice action against the Department of Corrections, the Director of the Department of Corrections and a treating physician claiming significant and permanent injuries. The Attorney General represented the

Department of Corrections and the Director of the Department of Corrections. The case was litigated in Federal court because of the specific claims brought by the Plaintiff. Prior to trial, Plaintiff demanded \$2.9 million to settle the case. During the summer of 2016, a one-week jury trial took place in Federal court. At the conclusion of the trial, the jury returned a verdict in favor of all defendants.

AFSCME Council 94 Retiree Chapter and R.I. AFT/R Local 8037 v. State of Rhode Island, Governor Raimondo, Director DiBiase and Treasurer Magaziner.

Plaintiffs AFSCME Council 94 Retiree Chapter and R.I. AFT/R Local 8037 have brought suit against the Governor, Department of Administration Director, and the General Treasurer concerning retiree health insurance benefits. The complaint alleges that the plaintiffs' members, who are retirees from State service, have the right to contribution-free retiree health insurance and that the General Assembly's 2013 amendment to R.I. Gen. Laws § 36-12-1 and § 36-12-4 and the 2013 enactment of R.I. Gen. Laws § 36-12-4.1 occasioned a breach of contract and violated their rights under the Constitution of Rhode Island. By means of those laws, the administration of retiree health benefits was moved into a private insurance exchange, and the costs of individual retirees' health insurance benefits is now paid by means of a subsidy directly to the retiree, who can select their plan from a number of options on the exchange. Plaintiffs claim that some retiree members -- those who are Medicare-eligible -- are entitled to fully-paid insurance, that the subsidy provided by the State does not match the cost of the plan they have selected, and that, as a result, they are not receiving full-paid benefits to which they claim to be entitled under certain CBAs. The defendants assert that the statutory amendment is constitutional, lawful, and proper. The defendants have answered the plaintiffs' complaint, and the case is now in the discovery phase.

Antonelli v. Department of Corrections

The estate of a former inmate at the Department of Corrections brought a wrongful death action alleging malpractice against the Department of Corrections and its medical staff. The Attorney General represents the Department of Corrections. In 2016, the Department of Corrections moved for partial summary judgment on the issue of whether the statutory cap on damages applies when the Department of Corrections provides medical care to inmates in its custody. The Superior Court granted the State's motion and ruled the statutory cap on damages applied. Subsequently, Plaintiff filed a writ petition with the R.I. Supreme Court and we are waiting for a decision.

Congregation Jeshuat Israel (CJI) v. Congregation Shearith Israel (CSI)

This crux of the litigation involved the ownership of a set of colonial era finials, or rimonim, created by the famous silversmith Myer Myers. A secondary issue was whether the building known as Touro Synagogue, located in Newport, Rhode Island, is held in a charitable trust, and if so, for the benefit of whom. The Attorney General submitted an amicus brief taking the position that the Touro Synagogue is held in a charitable trust for the benefit of the "Jewish Society of Newport." As to the rimonim, the Attorney General took the position that ownership of the rimonim was a private property dispute, therefore, outside of the Attorney General's jurisdiction as Administrator of Charitable Trusts. On May 16, 2016, the Court entered judgement for CJI. The Court found that CJI is the owner of the rimonim, that Touro Synagogue is held in charitable trust for the purpose of public Jewish worship, and ordered the removal of CSI as trustee and appointment of CJI as trustee of the Touro Synagogue charitable trust. CSI appealed the decision

to the U.S. Court of Appeals for the First Circuit. The Attorney General filed an amicus with the First Circuit, which had not scheduled a date for hearing by the end of the calendar year.

Duran v. Department of Corrections

Plaintiff, a pro se inmate, filed an action in Federal court against the Director of the Department of Corrections and an individual correctional officer alleging failure to protect him from harm from other inmates. The Attorney General represented all Defendants. In 2016, the Federal Court granted Defendants' motion for summary judgment. Subsequently, Plaintiff filed a notice of appeal with the First Circuit Court of Appeals. It is anticipated this case will be decided in 2017.

Shelby Ferreira v. A.T. Wall et al.

In 2015, two inmates and the women who sought to marry them filed suit in Rhode Island Federal District Court alleging that the provision in Rhode Island's "civil death" statute, R.I.G.L. Section 13-6-1, barring inmates sentenced to life from marrying is unconstitutional. In 2016 the matter proceeded to summary judgment after two of the plaintiffs were voluntarily dismissed from the case. The remaining plaintiffs' sole argument at summary judgment was that the so-called marriage ban violated the Equal Protection Clause because inmates who are married prior to being sentenced to life are permitted to remain married. The State defended the case, arguing that the U.S. Supreme Court has previously upheld the constitutionality of a similar statute, and the federal district court granted summary judgment in favor of the State. Plaintiffs have appealed the decision to the First Circuit Court of Appeals, where the matter is currently pending.

John Freitas, et al. v. Peter Kilmartin and A.T. Wall II

Plaintiffs, all Level III sex offenders, have brought suit against Peter Kilmartin in his official capacity as the Attorney General of the State of Rhode Island and Ashbel T. Wall II in his official capacity as the Director of the Department of Corrections of the State of Rhode Island in the Federal District Court for the District of Rhode Island. In the 2015 legislative session, the Rhode Island General Assembly amended R.I. Gen. Laws § 11-37.1-10. Previously, that section mandated that Level II and III sex offenders were prohibited from residing within three hundred feet of "any school, public or private." In 2015 that prohibition was refined, leaving the Level II offenders subject to the 300 foot buffer, but increasing the buffer for Level III sex offenders to 1000 feet. Violation of the new provision mirrored that of the existing one—it is a felony. The verified complaint alleges that the named plaintiffs are tier three sex offenders whose constitutional rights have been infringed by the passage of § 11-37.1-10(d) and its application as to them. The plaintiffs' complaint requests solely injunctive and declaratory relief; namely a declaration that § 11-37.1-10(d) is unconstitutional. Plaintiffs' Motion to Certify this case as a class action was denied by the Court on February 8, 2016. A temporary restraining order was entered restraining the State from enforcing § 11-37.1-10(d). The parties are exchanging discovery and the temporary restraining order will remain in effect until the trial; no new trial date has been set.

Nugent v. Public Defender's Office

Plaintiff was terminated from her employment at the Public Defender's Office. Subsequently, Plaintiff brought a race and disability discrimination action against the State of Rhode Island and the R.I. Public Defender's Office. The Attorney General represented the State of Rhode Island and the Public Defender's Office. In 2016, the Superior Court granted the dismissal of this action.

Plaintiff filed an appeal with the R.I. Supreme Court and it is anticipated this case will be heard by the Supreme Court in 2017.

Pierini v. Department of Environmental Management (DEM)

Plaintiff alleged the R.I. Department of Environmental Management negligently maintained Scarborough State Beach resulting in personal injuries. The Attorney General represented the Department of Environmental Management. In 2016, the State moved for summary judgment citing the recent decision, *Roy v. DEM*, 139 A.3d 480 (R.I. 2016). The Superior Court agreed with the State and ruled that the Recreational Use Statute shielded the State from any liability.

Consumer Protection Cases

State of Rhode Island v. Bristol-Myers Squibb (“BMS”)

The allegations were that BMS had made misleading and false claims concerning certain drugs, including Abilify, and inappropriately promoted these drugs for off-label uses. The Consent Judgment, when approved by the Superior Court, will provide both injunctive and monetary relief, and the State will receive approximately \$230,000 of the \$19 million settlement.

State of Rhode Island v. EDMC

The State entered into a Consent Judgment to resolve this multistate investigation, which was approved by the Superior Court. The settlement provides for significant reforms to EDMC's (a for-profit college) practice of recruiting students for its online and on-ground campuses. It addresses key aspects of the enrollment process and puts an Administrator in place to monitor and oversee EDMC's compliance. The focus is on consumer relief such that 79 Rhode Island students will be forgiven a total amount of student loan debt of approximately \$88,890. This is about \$1,125 per student. The rationale for providing relief to these students is that they enrolled at EDMC without significant college experience and dropped out early enough that they gained nothing from the school, despite having incurred debt.

State of Rhode Island v. Volkswagen

Attorney General Kilmartin joined other states in signing onto this multistate consumer settlement with Volkswagen. The central allegation was that Volkswagen's diesel vehicle had been equipped with software that would allow the vehicles to pass emissions tests when the vehicles, in fact could not meet the mandated emissions standards. There are four settlements, with the Attorneys' General settlement being one of the four. The settlement includes both injunctive and monetary relief. Rhode Island is scheduled to receive approximately \$3.1 million as a civil penalty or fine. Consumer restitution is provided for in the other settlements wherein consumers who own the subject diesel fueled vehicles may receive between \$5,000 and \$10,000 compensation or the opportunity to have the vehicle repaired or a buy-back.

State of Rhode Island v. Hyundai-Kia

This multistate investigation of false advertising claims by Hyundai/Kia concluded with a settlement between the parties. The settlement contains both injunctive and monetary provisions. Rhode Island received approximately \$637,000 through this \$42 million settlement.

State of Rhode Island v. Louis Q. Clubhouse, Inc. d/b/a Faial Restaurant and Lounge, Jose Faria and Emilia Faria

The State's Motion for Entry of Default Judgment on Proof of Claim in the amount of approximately \$174,000 was granted in Superior Court and Judgment was entered for that amount. This matter now proceeds to the collection phase, where the Attorney General will attempt to recoup money for consumers who purchased gift certificates from the Defendants.

In re: Dynamic Random Access Memory (D-RAM) Antitrust Litigation

This alleged price-fixing multistate matter, involving both consumer and antitrust claims, was settled with both injunctive and monetary benefits to the states. As part of the settlement, the State of Rhode Island received approximately \$172,000 for reimbursement of its attorneys' fees, and also received \$93,000 in settlement of the damage claims of Rhode Island state agencies, as indirect purchasers.

State of Rhode Island v. Alicia Mogavero d/b/a Mommy's Milk

The State filed a lawsuit after more than 100 consumers have allegedly have paid the defendant for a product made with their own breastmilk and have not received the product from the defendant. This matter is in the discovery stage although negotiations, through counsel, continue.

State of Rhode Island v. Hasan Hussain, et al.

The Superior Court Granted the State's Motion for a temporary restraining order to protect the public in this Deceptive Trade Practices case. The Defendant, Hussain, is alleged to have misrepresented certain financial and real estate services to consumers, for his financial benefit. The Court's Order enjoined Hussain from acting as a fiduciary for any financial transactions. The Attorney General and Hussain subsequently agreed to the terms and conditions of a stipulation, which was entered as an Order of the Superior Court. The stipulation specified certain injunctive relief and also included two separate judgments for the benefit of two consumers in the amounts of \$8,200 and \$27,900.

State of Rhode Island v. MoneyGram

The Attorney General and MoneyGram entered an agreement, through an Assurance of Voluntary Compliance, to resolve allegations of violations of the Deceptive Trade Practices Act. The settlement was approved by the Superior Court and included both injunctive and monetary relief. The State received \$20,000 through this settlement and there is a significant amount of consumer protection language in the agreement.

State of Rhode Island v. Montgomery & Burns, LLC and Francesco Jaramillo, individually

This matter involved allegations that the defendant had made misrepresentations to a consumer with respect to the purchase of residential real estate. The Attorney General was able to resolve the matter and the consumer received full restitution, in the amount of \$20,000, in compliance with a Superior Court Order issued after hearing the Attorney General's argument.

State of Rhode Island v. Quiet Storm Professional Services, Aloisio Group, LLC; Carlos Rojas, Alias, individually, John DiFruscio, individually; Gregory Aloisio, individually, and John Does 1 through 5.

The Superior Court granted the State's Motion for a temporary restraining order and mandatory injunction against the defendants. The defendants were alleged to have violated the provisions of the Deceptive Trade Practices Act and the Mortgage Foreclosure Consultant Regulation Act. The terms of the order provided that defendant John DeFruscio was required to reconvey the complaining consumers' residential real estate back to the consumer and that the purchase and sales contract between the consumer and Gregory Aloisio/the Aloisio Group was rescinded.

Investigation of EMA Law Firm

The Attorney General was successful in negotiating a settlement of consumer claims of approximately \$9,500 against EMA Law Firm, which is located in Florida. This company was contracting with Rhode Island residents for legal services and mortgage modifications. Since this firm was unlicensed as a law firm in Rhode Island, the Attorney General's Consumer Protection Unit had the jurisdiction to resolve this matter.

Multistate Antitrust Investigation of Barclay's (LIBOR)

The Attorney General joined this multistate settlement with one of the banks (Barclay's) involved in the LIBOR Scandal. This settlement resulted from the multistate investigation into the intentional manipulation of the LIBOR interest rates by a few individuals working at major banks in London and the United States. This investigation commenced when it was made public that certain individuals were being criminally charged in London. The settlement contains both injunctive and monetary relief, with local institutions scheduled to receive restitution.

Environmental Advocacy Cases

Kilmartin v. Barbuto (Misquamicut Beach litigation)

In 2013, Attorney General Kilmartin filed suit in Superior Court seeking to enforce the public's rights to enjoy a nearly two-mile section of the Misquamicut beach-front. The suit sought to enjoin specific beach-front lot owners from interfering with the public's claimed right to use this dry sand area, alleging that this strand was dedicated by a recorded 1909 subdivision plan. The Attorney General filed an appeal before the R.I. Supreme Court to contest an adverse superior court ruling.

Coit v. Rhode Island Recycled Metals, LLC & AARE LLC

This arises from the defendants' alleged ongoing violations on a site along Providence River. The alleged violations include the dismantling of derelict vessels in a manner that results in oil pollution and physical obstructions to the channel. The State seeks receivership but, to date, has only secured appointment of a Special Master.

Coit v. Cocolli

This enforcement suit by seeks to protect North Providence from a leaky tank at a factory. The case originated in the Superior Court but is now before the Supreme Court.

The Preserve at Boulder Hills, LLC v. Evans and the State of RI

The North-South trail is a 25-year-old hiking trail that crosses the length of the State in its western part — sort of the Appalachian trail of RI. A dispute arose several years ago over the roadway that forms part of the N-S trail. A lawsuit ensued. The State has no formal deed to the section of roadbed. Nonetheless, given the public's use of the site, the Attorney General believes that the State should undertake an active role in the litigation in order to ensure the public's continued right to the use the North-South Trail. The Attorney General was able to secure dismissal of the claim against the State so as to assure that non-motorized recreational use shall not perish from this location.

West Virginia v. EPA

RI and other states intervened in support of EPA's Clean Air Act standards for existing power plants, which would significantly reduce greenhouse gas emissions in the U.S. As 2016 opened the Supreme Court imposed an unusual stay on the regulations, something that Rhode Island opposed. The matter is at the decision stage before the D.C. Circuit Court of Appeals.

Kilmartin, Attorney General, and Coit, Director, v. Davis

This is an ongoing collection of judgment for costs incurred in the cleanup of a massive tire dump. The State is seeking \$2.8 million from the defendant.

Narragansett Indian Tribe v. National Grid and RI Historic Preservation Commission

Successfully defended the Rhode Island historic preservation program in federal Court.

Silver v. Town of Bristol and State of Rhode Island

Successfully defended the Rhode Island coastal right-of-way designation program in federal Court.

Open Government Lawsuits

Kilmartin v. Albion Fire District

Pursuant to R.I. Gen. Laws § 38-2-3.16, "the chief administrator of each public agency and each public body shall state in writing to the attorney general that all officers and employees who have the authority to grant or deny persons or entities access to records under the [Access to Public Records Act] have been provided orientation and training." The Fire District failed to submit the required forms by January 1, 2015. This Department notified the Fire District of its omission on three occasions; however, no certification forms were received. Accordingly, in 2015, this Department initiated an Access to Public Records Act investigation into the Fire District's failure to timely comply with R.I. Gen. Laws § 38-2-3.16 and concluded that the Fire District willfully and knowingly, or recklessly, violated the APRA when it failed to comply with R.I. Gen. Laws § 38-2-3.16. In late 2016, the Department and Fire District agreed to a settlement agreement where a \$1,000 fine was paid.

Kilmartin v. The Compass School

The Compass School received an Access to Public Records Act (APRA) request. After providing a partial response and extending the time to respond to the remainder of the request, however, the

Compass School failed to further respond until after a complaint was filed with the Department of Attorney General. Given all the evidence, this Department concluded that the School willfully and knowingly, or recklessly, violated the APRA when it failed to respond to the entire APRA request in a timely manner. A lawsuit was filed in Superior Court seeking civil fines and a settlement agreement was reached where the Compass School agreed to pay a \$1,000 fine.

Criminal Division

During 2016, the Criminal Division brought 76 cases to trial, up slightly from the 71 cases tried in 2015. Of those cases tried, prosecutors secured 68 verdicts and a 58 percent conviction rate; 39 cases resulted in guilty verdicts, 29 defendants were found not guilty, two trials resulted in hung juries, four were dismissed under Rule 48A at trial, and two were dismissed by judgment of acquittal.

The following are some of the significant trials and convictions handled this year by Division prosecutors.

State v. Zachary Alvarado

Zachary Alvarado pleaded guilty to multiple robberies and a shooting in Woonsocket. He was sentenced to 55 years with 35 years to serve and the remainder suspended with probation.

State v. Denzel Barboza

Barboza pleaded guilty to assault with a dangerous weapon for shooting Angel Toj in the head. He was sentenced to 45 years to serve, 20 of which are non-parolable.

State v. Sendra Beauregard

Beauregard was found guilty of second degree murder in the killing of Pam Donahue. She was sentenced to serve consecutive life sentences.

State v. Henry Bozzo

The defendant was found guilty of child molestation. He was sentenced to 45 years, with 18 years to serve and the remainder suspended with probation, for child molestation. Bozzo was also ordered to undergo sex offender counseling and must comply with the state's sex offender registration and community notification statute upon release from the ACI.

State v. Deborah Brown

Deborah Brown pleaded nolo contendere to one count of obtaining money under false pretenses for submitting materially false bills for medically unnecessary adult incontinent supplies to the Rhode Island Medicaid Program and to three counts of failure to file personal Rhode Island income tax returns for the years 2011, 2012 and 2013 and was sentenced to 10 years with four years to serve, of which six months will be served at the Adult Correctional Institute followed by three and one half years on home confinement. In addition, she was ordered to pay \$263,130 in restitution. The execution of the sentence commenced Monday, November 28, 2016.

State v. Douglas Cataldo

Cataldo pleaded nolo contendere to forgery, counterfeiting, and larceny over \$500 from a person 65 or older for stealing \$33,699 from his former employer. He was sentenced to 10 years with two years to serve and the remainder suspended with probation. In addition, he was ordered to pay full restitution to the victim.

State v. Vladimir Catano

The defendant pleaded nolo contendere to obtaining money under false pretenses for collecting unemployment insurance benefits while he was employed. He was sentenced to 10 years of probation and ordered to pay \$39,972 in restitution.

State v. Jose Colon

Jose Colon was found guilty by a jury in 2016 of multiple counts of 1st and 2nd degree child molestation. He was sentenced to 50 years with 30 years to serve with the remainder suspended with probation. In addition, he was ordered to have no contact with the victims. Upon release, he must comply State's sex offender registration, counseling and community notification statute.

State v. Orlando Cruz

Orlando Cruz was found guilty after a bench trial in 2016 of second degree child molestation. He was sentenced to 25 years with six years to serve and ordered to have no contact with the victim. Upon release, he must comply State's sex offender registration, counseling, and community notification statute.

State v. James Dalton

Dalton was found guilty of second degree sexual assault following a three-day trial. Defendant groped another man who was sleeping in a local park. Sentencing is scheduled for early 2017.

State v. Eugene Danis

The defendant was found guilty by a jury of child molestation. He was sentenced to 50 years with 35 years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victim, must undergo sex offender counseling, and must comply with the State's sex offender registration and community notification statute.

State v. Hector Diaz

Diaz pleaded guilty to DUI death resulting, driving to endanger death resulting, and two counts of driving to endanger physical injury resulting. He was sentenced to 18 years with seven to serve and the remainder suspended with probation, a five year loss of license followed by two years of ignition interlock, substance abuse counseling, and a \$5,000 fine. The defendant lost control of his vehicle after starting to drive erratically and at high speeds on Route 95 North in the City of Providence and went off the roadway in the area of Exit 20. The resulting crash caused the death of one passenger and injury to others.

State v. Jason Dorchester

The defendant was sentenced to 10 years with four years to serve on home confinement and the remainder suspended with probation for reckless driving and leaving the scene crash that resulted in serious injury.

State v. Dan Doyle

After a three-month trial, Dan Doyle was found guilty by a jury of all 18 counts of the indictment including embezzlement, obtaining money under false pretenses, forgery, and filing false documents. He is scheduled to be sentenced in July 2017.

State v. Kimberly Faneuf

Kimberly Faneuf pleaded guilty to one count of assault on a severely impaired person and was sentenced to five years with 18 months to serve and the remainder suspended with probation. In addition, she was ordered to perform 50 hours of community service, must seek mental health counseling, and ordered to have no contact with the victim. Faneuf physically assaulted a nine-year old developmentally disabled boy who was in her care.

State v. Tyler Fonseca

Fonseca pleaded to first degree child molestation. He was sentenced to 25 years with six years to serve with the remainder suspended with probation. In addition, he was ordered to have no contact with the victim. Upon release, he must comply State's sex offender registration and community notification statute.

State v. Adrian Fortes

Fortes pleaded nolo contendere to domestic felony assault. He was sentenced to 10 years with six and one half years to serve and the remainder suspended with probation.

State v. Michael Fulp

Michael Fulp pleaded to second degree child abuse. He was sentenced to eight years with three to serve and ordered to have no contact with the victim. He was also ordered to attend and complete anger management classes.

State v. Theodore Gathmann

Gathmann pleaded guilty to first degree child molestation and was sentenced to 25 years with 12 years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victim, must undergo sex offender counseling and must comply with the State's sex offender registration and community notification statute.

State v. Miguel Gautier-Romero

Gautier-Romero was found guilty by a jury of delivery of fentanyl, possession with intent to distribute cocaine, possession with intent to distribute fentanyl, and conspiracy. Despite the State's recommendation of five years to serve due to the deadly nature of fentanyl, the Court sentenced the defendant to two years to serve.

State v. Ann-Marie Gleason

Gleason pleaded to embezzling \$259,991.39 from her employer. She was sentenced to 20 years with six years to serve in home confinement followed by 14 years suspended with probation.

State v. Humberta Goncalves-Babbitt

The defendant pleaded nolo contendere to unlawful appropriation for acting as the attorney for an elderly man and stealing more than \$26,000 from him. She was sentenced to eight years suspended with probation and ordered to pay full restitution of victim.

State v. Victor Gonzalez aka "Vick Mucka"

Based on a joint investigation by the FBI and Cranston Police, several C-Block gang members were arrested and prosecuted for narcotics offenses. Gonzalez pleaded guilty to delivery of a controlled substance and was sentenced to five years with nine months to serve and the remainder suspended with probation.

State v. William Gonzalez

Gonzalez was sentenced to 25 years, with 12 years to serve and the remainder suspended with probation, for possession of nearly a kilogram of cocaine.

State v Jordan Gordils

Gordils was charged with delivery of a cocaine, possession of cocaine and heroin, and possession of a firearm. He pleaded guilty and was sentenced to 10 years with five years to serve and the remainder suspended with probation.

State v. Matthew Gumkowski

Matthew Gumkowski was found guilty of one count of first degree murder and one count of first degree arson for the May 11, 2011 murder of Michael DiRaimo. Gumkowski was later sentenced to life plus 45 years to serve.

United States v. Dujann Harris

The defendant pleaded guilty to several federal charges including sex trafficking of a minor and possession of child pornography. He was sentenced to 20 years to serve in federal prison. This case was a joint prosecution by the Office of Attorney General and United States Attorney's Office.

State v. Hindle

The defendant waived indictment and pleaded to two counts of first degree sexual assault. He was sentenced to 40 years with 18 years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victim, and is subject to the State's sex offender registration and community notification statute.

State v. Kevin Jackson

Jackson, a sitting member of the Providence City Council, was indicted on multiple counts of campaigns finance fraud and embezzlement from a youth track club. The case is presently in the

pretrial stage.

State v. Christopher James

Christopher James was found guilty of murder for the February 27, 2013 murder of his ex-wife Terry Chiodo. James was later sentenced to life in prison.

State v. Alan Jennings

Jennings pleaded to first degree child molestation. He was sentenced to 25 years with six years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victim. Upon release, he must comply State's sex offender registration and community notification statute.

Sate v. Christopher Jimenez

Christopher Jimenez was found guilty after a bench trial of second degree murder and first degree child abuse of his 5-week-old child. In January 2017, he was sentenced to life plus 15 years.

State v. Trenton Keith

Trenton Keith pleaded guilty to two counts of assault with a dangerous weapon and numerous firearm charges for aiming a loaded firearm at Providence Police Officers during a traffic stop. He was sentenced to 17 years with 10 years to serve and the remainder suspended, non-parolable.

State v. Andrew King

Andrew King pleaded guilty to first and second degree child molestation. He was sentenced to 30 years with seven years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victims. Upon release, he must comply State's sex offender registration and community notification statute.

State v. Paul Labbadia

The defendant is charged with obtaining money under false pretenses for collecting pension funding he as not entitled from the Town of North Providence. The case is presently in the pretrial stage.

State v. Jeremy Leiva

Jeremy Leiva pleaded nolo contendere to DUI death resulting and other charges related to the motor vehicle crash that killed 26-year-old Flory Hernandez and injured Andrea and Scott Spillane. Leiva was sentenced to 15 years with three years to serve at the ACI followed by three years on home confinement, with the remainder suspended with probation. In addition, he was ordered to undergo alcohol and substance abuse treatment. Justice Rodgers ordered a five-year loss of license upon release from the ACI and three-year use of ignition interlock upon reinstatement of license, as well as a \$5,000 fine.

State v. Matthew Marcotte

Marcotte pleaded guilty in 2016 to second-degree murder for stabbing William McKenna to death

on February 10, 2015. The defendant was sentenced to life in prison.

State v. Curtis Maxie

Maxie was found guilty of three counts of first degree sexual assault, one count of sex trafficking of a minor, and one count of conspiracy. He was sentenced to serve 100 years in prison, which is believed to be the longest state sentence ever for a person convicted of sex trafficking.

State v. Andrew McLean

Andrew McLean was sentenced in the robbery of the Capital Gold pawn shop on Smith Street in Providence. McLean pleaded guilty to the charges of first degree robbery, conspiracy, discharging a firearm while committing a crime of violence, and two counts of possession of a firearm. He was sentenced to life in prison plus a consecutive 20 years, suspended and non-parolable.

State v. Bruce McNeil

Bruce McNeil was found guilty of one count of second degree sexual assault for assaulting a 15-year-old male known to him. He was sentenced to 10 years, with two years stayed and with eight years suspended. In addition, he was ordered to have no contact with the victim or any contact with any children under 18 for the term of his sentence, and must comply with the State's sex offender registration and community notification statute.

State v. Kimberly Moore

Moore embezzled \$126,156 while acting as treasurer of the Junior League of Rhode Island. She was sentenced to 18 years with three years to serve in home confinement and the remainder suspended with probation. In addition, she was ordered to pay \$25,000 in restitution.

State v. Jonathan Morales

Jonathan Morales, a Providence teen, pleaded nolo contendere to first degree robbery and conspiracy and received a certified sentence of 20 years with 12 years to serve and the remainder suspended with probation.

Morales conspired with adults, Sixto Javier and Daniel Mangru and another juvenile to commit robberies. Five unsuspecting victims were robbed at gunpoint on the streets of Providence and Cranston. For each robbery, Morales acted as the driver, while the adult co-defendants would jump out of the car and rob each victim at gunpoint with a .380 caliber pistol. As a result of these confrontations, two victims were pistol whipped and sustained injuries.

Sixto Javier pleaded guilty to robbery and firearm charges for his role in the armed robberies and was sentenced to 27 years with 17 years to serve and the remainder suspended with probation.

State v. Jose Morales

Morales pleaded to numerous counts of first and second degree child molestation. He was sentenced to 25 years with 15 years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victim. Upon release, he must comply State's sex offender registration and community notification statute.

State v. Lona Lee Morel

The defendant pleaded nolo contendere to driving under the influence resulting in serious bodily injury. Morel was sentenced to 10 years with nine months to serve at the ACI followed by three years and six months to serve on home confinement and the remainder suspended with probation.

State v. Bruce Moten

Bruce Moten, a member of the YNIC street gang, was found guilty by a jury in 2016 for the October 22, 2014 murder of Terry Robinson. Moten was sentenced to consecutive life sentences plus 70 years to serve.

State v. Raheem Nim

Raheem Nim pleaded nolo contendere before the Family Court to first degree robbery and conspiracy. Nim, who was 17 years of age at the time of the incident, received a certified sentence of 12 years with five years to serve and the remainder suspended with probation.

Raheem Nim and two adult co-defendants - Tredarrius Harrison and Josuet Figueroa - robbed a gas station located at 342 Manton Avenue in Providence. Figueroa held a BB gun rifle and used it to pistol whip the store clerk. Nim placed the store clerk in a chokehold and later pushed the clerk's head down into the register while Harrison grabbed cigarettes off the shelves and Figueroa took money from the cash register.

State v. Joel Norman

Joel Norman pleaded guilty to two counts of DUI death resulting, two counts of driving to endanger death resulting, and one count of possession of cocaine, and was sentenced to a total of 20 years with 12 to be served at the ACI, followed by three years to be served on home confinement, followed by eight years suspended. In addition, the Court ordered a ten-year revocation of license upon completion of time served, a \$10,000 fine, and substance abuse counseling.

Norman drove his motor vehicle in the wrong direction on Rt. 6 Westbound where he struck an oncoming motor vehicle killing the driver, 21-year-old Tiffany Sical, and the passenger, 23-year-old Brayan Rodriquez-Sical.

State v. John Norman

The defendant pleaded nolo contendere to domestic assault, third offense. He was sentence to seven years to serve.

State v. Maurice Nova

Maurice Nova was a main target of an FBI-led investigation into heroin and fentanyl distribution connected to Hackers Pub in Central Falls. Nova pled guilty to various counts and was sentenced to 15 years with eight years to serve and the remainder suspended with probation.

State v. Michael Nugent

Michael Nugent was found guilty of one count of assault with a dangerous weapon and one count of disorderly conduct. Sentencing is scheduled for 2017.

State v. Trisha Oliver

Trisha Oliver pled guilty to one count of manslaughter and was sentenced to 20 years with eight years and nine months to serve and the balance suspended with probation for her role in the 2009 death of her six-year-old son Marco Nieves.

Oliver's ex-boyfriend, Michael Patino, is currently serving a life sentence after a Providence County jury found him guilty for the beating and murder of Marco in July 2015.

During the trial of Michael Patino, former Rhode Island Chief Medical Examiner Dr. Thomas Gilson testified that Marco died as a result of inflammation of the abdominal cavity caused by blunt force trauma, and Dr. Linda Snelling, Chief of Pediatric Critical Care at Hasbro Children's Hospital, testified that he may have survived had he received medical treatment for his injuries sooner.

State v. Jonathan Ortega

Jonathan Ortega pleaded to first degree child molestation. He was sentenced to 25 years with seven years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victim. Upon release, he must comply State's sex offender registration and community notification statute.

State v. Jessie Ortiz

The defendant pleaded nolo contendere to domestic strangulation. He was sentenced to six years with four years to serve followed by two years suspended with probation.

State v. Diego Osorio

Defendant was found guilty of possession with intent to deliver cocaine. He was sentenced to six years with two years to serve and the remainder suspended with probation.

State v. Nicola Patalano

The defendant was found guilty of maliciously killing his neighbor's Yorkshire Terrier named Missy. He was sentenced to two years of which four months will be served at the ACI, followed by eight months on home confinement with the remainder suspended with probation. In addition, he was ordered to have no contact with the owner of the deceased animal, make a donation to the RSPCA, perform 100 hours of community service, and attend anger management classes.

State v. Derrick Person

Person pleaded nolo contendere to first degree arson. He was sentenced to 20 years with eight years to serve and the remainder suspended with probation.

State v. Michael Powell

Powell pleaded to two counts of first degree child molestation and received 30 years with 10 years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victim. Upon release, he must comply State's sex offender registration and community notification statute.

State v. Daniel Racine

The defendant was racing another individual when the victim's car struck a telephone pole. Racine was sentenced to five years suspended with probation and a one year loss of license.

State v. Juan Ranero

Juan Ranero pleaded guilty for his role a 2014 drive-by shooting that killed Davon Taylor and injured Destiny Taylor and was sentenced to life in prison plus 20 years suspended with probation, non-parolable.

Juan Ranero was driving a motor vehicle with Joseph "Jo" Taylor, no relation to the victim. Taylor fired a .9 mm firearm out of the sunroof of the vehicle into the motor vehicle being driven by 20-year-old Davon Taylor. Bullets struck and killed Davon Taylor and injured his younger sister Destiny, who was 15 at the time. It is believed that Joseph Taylor shot Davon Taylor simply because the two lived in rival neighborhoods. Destiny Taylor identified Joseph Taylor as the shooter and Ranero was later identified as the driver.

State v. Raymond Ramsey

Ramsey pleaded guilty to the September 2015 murder of his girlfriend in her apartment in Portsmouth, RI. He was sentenced to life in prison.

State v. Juan "Cookie" Rivera

Juan Rivera was the lead defendant in a long-term narcotics investigation by the Rhode Island State Police. Rivera pleaded guilty to various charges and was sentenced to 30 years with 15 to serve and the remainder suspended with probation.

State v. Ricardo Romero

Ricardo Romero was found guilty by a jury of second degree child molestation. He was sentenced to 20 years with 13 years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victim. Upon release, he must comply State's sex offender registration and community notification statute.

State v. Ruth Rosa-Rios

The defendant pleaded to count of obtaining money under false pretenses for collecting unemployment insurance benefits while she was employed. She was sentenced to nine months at the ACI with eight years suspended with probation, and was ordered to pay \$2,090 in restitution.

State v. David Roscoe

The defendant was found guilty after trial of the sexual assault and murder of an 85-year-old woman in August of 1990. This "cold case" was solved after West Warwick got a "hit" in the CODIS system tying the defendant to the unsolved homicide. He was sentenced to concurrent life sentences.

State v. Justin Santerre

Justin Santerre pleaded guilty to the charges of second degree murder, assault with a dangerous

weapon and simple assault and was sentenced to 60 years with 40 years to serve. Santerre fatally stabbed Satchel Ramos, stabbed and injured Clyde Ramos, and punched Sam Marino outside of a nightclub on Federal Hill, in Providence.

State v. Anthony Short

Anthony Short pleaded nolo contendere to assault and firearm charges and was sentenced to a total of 23 years with 13 years to serve and the remainder suspended with probation, of which is not subject to parole. After getting into an argument with his girlfriend at a residence, the defendant went outside and fired a .357 magnum twice into the residence. His girlfriend and another resident of the building were not injured.

The defendant fled the scene and was captured a short time later by Providence Police who had been alerted that a man fitting the description of the defendant was seen walking through the neighborhood with a firearm. Police recovered the firearm.

State v. Juan Silva

Juan Silva pleaded to first degree sexual assault, second degree child molestation, and second degree child abuse. He was sentenced to 25 years with 10 to serve and with the remainder suspended with probation. In addition, he was ordered to have no contact with the victim. Upon release, he must comply State's sex offender registration and community notification statute.

State v. Brian Smith

Smith was sentenced to serve two years in jail after being found guilty of two counts of simple assault and battery following a seven-day trial. The victims were two juveniles that the defendant assaulted at a polo match in the summer of 2014 in the Town of Portsmouth.

State v. Brian Smith

Brian Smith pleaded to second degree child molestation. He was sentenced to 10 years with two years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victim. Upon release, he must comply State's sex offender registration and community notification statute.

State v. Michaela Sprague

Michaela Sprague stole \$161,679 from her mother. She was sentenced to five years with two years and three months to serve on home confinement followed by two years and nine months suspended with probation. In addition, she was ordered to pay full restitution to her mother.

State v. Todd Sullo

Sullo waived indictment and pleaded guilty to the murder of Mark Lussier in a motel room in Middletown. He was sentenced to life in prison.

State v. Jessie Sweetloice

Jessie Sweetloice pleaded to first degree child molestation. He was sentenced to 25 years with

seven years to serve and the remainder suspended with probation. In addition, he was ordered to have no contact with the victim. Upon release, he must comply State's sex offender registration and community notification statute.

State v. Robert Taylor

Robert Taylor pleaded nolo contendere to second degree murder for killing his mother then dismembering her body. He was sentenced to life in prison.

State v. Daniel Tejeda

Daniel Tejeda (age 29) was found guilty of one count of first degree for killing Ashley Masi after an encounter set up through the adult services website Backpage.com. He was sentenced to life in prison on the count of murder. In addition, Tejeda was found to be a habitual offender and sentenced to 25 consecutive years in prison, without the benefit of parole.

State v. James Tebow

James Tebow was found guilty by a jury of multiple counts of first and second degree child molestation. He was sentenced to life in prison plus 20 years. In addition, he was ordered to have no contact with the victims. Should he be released, he must comply with the State's sex offender registration and community notification statute.

State v. Vanessa Theodore

Vanessa Theodore pleaded nolo contendere to patient abuse and patient mistreatment for assaulting a physically and mentally disabled female at the Perspectives Group Home in East Greenwich. She was sentenced to a total of three years, with three months to serve at the ACI, nine months to serve on home confinement, and the remainder suspended with probation. In a separate case, Theodore also pleaded nolo contendere to one count of a fraudulent check over \$1,500 for which she was sentenced to one year suspended with probation, to run concurrent with the other sentence.

State v. Nick Thompson

Thompson pleaded to two counts of second degree child abuse. He was sentenced to 10 years with five years to serve the remainder suspended with probation. In addition he was ordered to have no contact with the victim and must attend and complete anger management classes.

State v. Karen Thurber

The defendant pleaded to obtaining money under false pretenses for collecting unemployment insurance benefits while he was employed. He was sentenced to 10 years of probation and ordered to pay \$30,655 in restitution.

State v. Elizabeth Watson

The defendant was sentenced to 10 years with two years to serve at the ACI followed by two years of home confinement and the remainder suspended with probation for driving under the influence resulting in serious bodily injury.

State v. Joao Viera

Joao Viera was found guilty by a jury of first and second degree child molestation. He was sentenced to life in prison. In addition, he was ordered to have no contact with the victim. Should he be released, he must comply with the State's sex offender registration and community notification statute.

State v. Wayne Wilcox

The defendant pleaded to one count of obtaining money under false pretenses for collecting unemployment insurance benefits while he was employed. He was sentenced to 10 years of probation and ordered to \$36,201 in restitution.

State v. Tracy Zayas

Tracy Zayas pleaded nolo contendere to one count of driving under the influence resulting in serious bodily injury and two counts of driving to endanger resulting physical injury for a serious motor vehicle crash on Mineral Spring Avenue in North Providence. She was sentenced to eight years suspended with probation, a two-year loss of license, and must undergo substance abuse evaluation and treatment.

Appellate Cases**State v. Davis, 131 A.3d 679 (R.I. 2016)**

The Rhode Island Supreme Court affirmed the defendant's conviction, and life-sentence, for having murdered a young man in broad daylight in Providence, on March 20, 2009. The Rhode Island Supreme Court, in its decision, held that the trial justice committed no error in declining to tender the defendant's proposed limiting instruction that would have told the jury to disregard what it had heard during the prosecution's opening statement regarding the anticipated testimony of eyewitnesses who never testified.

State v. Fry, 130 A.3d 812 (R.I. 2016)

The Rhode Island Supreme Court affirmed the second degree murder conviction of the defendant in the death of her eight year old daughter in August of 2009 in North Kingstown, Rhode Island. The Court, in its opinion, determined that the trial justice had adequately instructed the jury on the legal defense of accident, and turned away the defendant's contention as to certain trial errors allegedly committed during the course of the defendant's lengthy trial.

State v. Garcia, 140 A.3d 133 (R.I. 2016)

The Rhode Island Supreme Court affirmed the defendant's conviction for the brutal murder of a young mother in Pawtucket in June of 2010. In affirming the defendant's conviction and life sentence, the Rhode Island Supreme Court rejected the defendant's legal contentions that statements he had given to the Pawtucket Police were the product of coercion, that there was a violation of his arraignment "presentment" right, and that the trial justice had abused her discretion in admitting the victim's autopsy photographs; and rejected the defendant's factual argument with respect to the trial justice's denial of the motion for a new trial.

State v. Gaudreau, 139 A.3d 433 (R.I. 2016)

The Rhode Island Supreme Court, on the way to affirming the defendant's conviction for first-degree arson, laid out the legal analysis trial courts are to use in assessing the admissibility of potentially prejudicial police statements that are contained within a criminal defendant's recorded police statement. With the recent advent, in many jurisdictions, of policies requiring the recordation of a criminal defendant's statement to police, the decision in Gaudreau is a necessary guidepost to a trial court's determination as to which parts of such statement might require exclusion from a jury trial.

State v. Greenslit, 135 A.3d 1192 (R.I. 2016)

The Rhode Island Supreme Court affirmed the defendant's life-sentence conviction for the January 2012 first degree murder of his common-law wife, in Johnston, RI, and his attempt to incinerate her dead body. In affirming defendant's conviction, the Court determined that the trial court had addressed and dealt with the defendant's new-trial motion in an appropriate manner and, in so ruling upon such new-trial motion, had placed adequate weight on the defendant's actions prior to the victim's death in determining that the victim's murder was, in fact, premeditated.

State v. Offley, 131 A.3d 663 (R.I. 2016)

The Rhode Island Supreme Court affirmed the defendant's conviction for the horrific and senseless execution-style murder of Jessica Imran, and the serious wounding of Julie Lang, in July of 2006 in Providence. The Court, in its opinion affirming the defendant's life-sentence, turned away the defendant's appellate contention of prejudicial error with respect to the prosecutor's reading aloud of a trial witness's prior testimony, and that the trial justice was not justified in rejecting the defendant's new-trial motion.

State v. Oliveira, 127 A.3d 65 (R.I. 2015)

The Rhode Island Supreme Court affirmed the defendant's conviction, and attendant life sentence, of committing a first-degree child-molestation-sexual-assault upon his biological grandson in August of 2004, in Pawtucket, RI. The Court held, in that case, that there was no Sixth Amendment "Speedy Trial" violation as a consequence of the period that had transpired between the defendant's first and second trials; that there was no error in the admission of certain challenged police detective testimony; and that the trial court had not abused its discretion in admitting, as an excited utterance, a statement made by the six-year-old victim to his mother to the effect that defendant had sexually molested him.

State v. Swiridowsky, 126 A.3d 436 (R.I. 2015)

The Rhode Island Supreme Court affirmed the defendant's conviction for having, in October of 2007, pulled a woman off of a Providence Street and violently raped her. Defendant was convicted based on a DNA profile taken from him while he was incarcerated, on an unrelated crime, at the Adult Correctional Institutions; and the Court, in affirming the defendant's conviction, endorsed the trial justice's rejection of the defendant's claim of a consensual encounter between himself and the victim.

Significant Investigations

Operation “Zero Tolerance”

This was a joint investigation by DEA and Woonsocket Police into drug dealing at Veterans Memorial Housing Complex that led to 35 arrests. Most those defendants pleaded nolo contendere to narcotics offenses and received jail time for those offenses.

Operation “Turn Me Loose”

Based on a long-term investigation into narcotics trafficking, Rhode Island State Police’s HIDTA Unit arrested seven individuals for possession and possession with intent to deliver cocaine and heroin. During the investigation, the Rhode Island State Police seized 300 grams of cocaine and fentanyl. All seven individuals pleaded to the charges and received significant sentences.

SUPERIOR COURT CASE STATISTICS 2016

COUNTY	FILED		DISPOSED			ACTIVE PENDING SC			
	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL
KENT COUNTY	54	717	771	50	726	776	22	254	276
NEWPORT COUNTY	12	320	332	17	366	383	2	103	105
WASHINGTON COUNTY	83	347	430	83	399	482	24	199	223
PROVIDENCE COUNTY	267	3609	3876	203	3866	4069	31	1791	1822
STATEWIDE	416	4993	5409	353	5357	5710	79	2347	2426

AGE AT DISPOSITION

COUNTY	LESS THAN 90 DAYS			91-180 DAYS			181-270 DAYS			271-360 DAYS			OVER 360 DAYS	
	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	MISD	FELONY
KENT COUNTY	7	360	367	14	136	150	7	93	100	1	35	36	0	102
NEWPORT COUNTY	7	141	148	5	107	112	2	37	39	0	31	31	2	49
WASHINGTON COUNTY	8	121	129	21	92	113	4	50	54	1	43	44	4	92
PROVIDENCE COUNTY	4	1399	1403	78	731	809	26	582	608	9	393	402	25	761
STATEWIDE	26	2021	2047	118	1066	1184	39	762	801	11	502	513	31	1004

MANNER OF DISPOSITIONS - FELONIES

COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A		DISM TR	MISTRIAL	HUNG JURY	TRIALS (AG)	VERDICTS
					MISD	FELONY					
KENT COUNTY	6	5	4	577	112	1	1	0	0	12	12
NEWPORT COUNTY	3	1	0	279	56	0	0	0	0	4	4
WASHINGTON COUNTY	4	1	2	274	93	0	0	0	0	5	5
PROVIDENCE COUNTY	26	20	5	3138	459	5	5	0	2	49	49
STATEWIDE	39	27	11	4268	720	6	6	0	2	70	70

MANNER OF DISPOSITION - MISDEMEANOR APPEALS

COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A		DISM TR	MISTRIAL	HUNG JURY	TRIALS (AG)	VERDICTS
					MISD	FELONY					
KENT COUNTY	0	0	2	34	12	0	0	0	0	0	0
NEWPORT COUNTY	0	0	1	10	4	0	0	0	0	0	0
WASHINGTON COUNTY	0	1	0	54	25	0	0	0	0	1	1
PROVIDENCE COUNTY	0	1	10	148	36	0	0	0	0	1	1
STATEWIDE	0	2	13	75	176	0	0	0	0	2	2

MANNER OF DISPOSITION - STATEWIDE TOTALS

COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A		DISM TR	MISTRIAL	HUNG JURY	TRIALS (AG)	VERDICTS
					MISD	FELONY					
KENT COUNTY	6	5	6	611	124	1	1	0	0	12	11
NEWPORT COUNTY	3	1	1	289	60	0	0	0	0	4	4
WASHINGTON COUNTY	4	2	2	328	118	0	0	0	0	6	6
PROVIDENCE COUNTY	26	21	15	3286	495	1	1	0	2	50	46
STATEWIDE	39	29	24	4343	896	6	6	0	2	76	68

Statistics were prepared by the Criminal Division based upon Case Management System (CMS) data on March 23, 2017. AG Trial Verdict Statistics were maintained manually within the Criminal Division and include all cases tried throughout the calendar year, regardless of whether sentencing or appeal is pending. Odyssey reports are estimates based on operational reports of the courts, as new Odyssey CMS reports have not yet been finalized as of April 10, 2017.

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